Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Application by Qwest Communications	)	
International, Inc. for Authorization To	)	WC Docket No. 03-11
Provide In-Region, InterLATA Services in	)	
New Mexico, Oregon and South Dakota	)	

MEMORANDUM OPINION AND ORDER

Adopted: April 15, 2003 **Released:** April 15, 2003

By the Commission: Commissioner Copps concurring and issuing a statement; Commissioner Martin approving in part, concurring in part, and issuing a statement; Commissioner Adelstein issuing a statement.

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I. INTRODUCTION

1. On January 15, 2003, Qwest Communications International, Inc. filed this multi-state application on behalf of itself and its subsidiaries, Qwest Corporation and Qwest LD Corporation and Qwest Communications Corporation (collectively "Qwest") pursuant to section 271 of the Communications Act of 1934, as amended,[1] for authority to provide in-region, interLATA service in New Mexico, Oregon and South Dakota.[2] In this Order, we grant Qwest's

[1] We refer to the Communications Act of 1934, as amended by the Telecommunications Act of 1996 and other statutes, as "the Communications Act" or "the Act." *See* 47 U.S.C. §§ 151 *et seq*. We refer to the Telecommunications Act of 1996 as "the 1996 Act." *See* Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

[2] *See Application by Qwest Communications International Inc. for Authority to Provide In-Region, InterLATA Services in New Mexico, Oregon, and South Dakota*, WC Docket No. 03-11 (filed Jan. 15, 2003) (Qwest Application).

application for these three states based on our conclusion that Qwest has taken the statutorily required steps to open its local exchange markets in these states to competition.

2. Approval of this application would not have been possible without the extraordinary dedication displayed by the New Mexico Public Regulation Commission ("New Mexico Commission"), the Public Utility Commission of Oregon, ("Oregon Commission"), and the South Dakota Public Utilities Commission ("South Dakota Commission"), (collectively "state commissions" or "commissions of the three application states"). We recognize their outstanding commitment to the section 271 process and commend their hard work in bringing the benefits of competition to consumers in their states.

3. In ruling on Qwest's application, we wish to acknowledge the tremendous efforts of the New Mexico, Oregon and South Dakota Commissions, that were instrumental in Qwest's implementation of the requirements of section 271. These states, as well as others in the Qwest region, also undertook unprecedented steps to pool resources and work collaboratively in addressing section 271 issues. In particular, the Regional Oversight Committee ("ROC"), a group of state regulatory commissions in the Qwest region, including the three states covered by this application, worked together on the design and execution of regional operations support systems ("OSS") testing. In addition, the New Mexico Commission worked with a number of other states in the Multistate Collaborative Process ("MCP") to address other section 271 issues.[3] Moreover, in a number of instances, regulators in these states have been able to build on the work done by their fellow commissioners in other states to address issues such as pricing, for example, in an efficient manner through individual state proceedings. As the Commission has repeatedly recognized, state proceedings demonstrating a commitment to advancing the pro-competitive purposes of the 1996 Act serve a vitally important role in section 271 proceedings.[4]

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[3] The New Mexico Commission joined the six state commissions involved in the MCP (Idaho, Iowa, Montana, North Dakota, Utah, and Wyoming) after the workshops had begun, but competitive LECs in New Mexico were given the opportunity to raise issues related to the first workshop. *See* New Mexico Commission Comments at 6; Qwest Application App. A Tab 1, Declaration of John Badal, paras. 8, 29 (Qwest Badal Decl.); *see also Application of Qwest Communications International, Inc. for Authorization To Provide In-Region, InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming*, 17 FCC Rcd 26303, 26310, para. 14 (*Qwest 9-State Order*) (describing the Multistate Collaborative Process).

[4] *See Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania*, CC Docket No. 01-138, Memorandum Opinion and Order, 16 FCC Record 17419, 17421, para. 3 (2001) (*Verizon Pennsylvania Order*) *appeal pending,* Z-Tel Communications *v. FCC,* No. 01-1461 (D.C. Cir. filed Oct. 17, 2001); *Application of Verizon New York Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc. and Verizon Select Services, Inc. for Authorization to Provide In-Region, InterLATA Services in Connecticut*, CC Docket No. 01-100, Memorandum Opinion and Order, 16 FCC Rcd 14147, 14149, para. 3 (2001) (*Verizon Connecticut Order*); *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) and Verizon Global Networks Inc., for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, CC Docket No. 01-9, Memorandum Opinion and Order, 16 FCC Rcd 8988, 8990, para. 2 (2001) (*Verizon Massachusetts Order*) *aff'd sub nom. WorldCom, Inc. v. FCC*, 308 F.3d 1 (D.C. Cir. 2002).

4. The outstanding work of the state commissions in conjunction with Qwest's extensive efforts to open its local exchange network to competition has resulted in competitive entry in each of the application states. Qwest estimates that, as of October 31, 2002, competitive LECs serve approximately 2.9 percent of all lines in New Mexico, including 6163 UNE-loops and 5197 UNE-platform lines.[5] Qwest estimates that, as of October 31, 2002, competitive LECs serve approximately 21.3 percent of all lines in Oregon, including about 52,610 UNE-loops and 50,100 UNE-platform lines.[6] In South Dakota, Qwest estimates that, as of October 31, 2002, competitive LECs serve approximately 29.4 percent of all lines, including 5935 UNE-loops and 16,216 UNE-platform lines.[7]

5. We are confident that the hard work of the state commissions in conjunction with Qwest to ensure that the local exchange markets in New Mexico, Oregon and South Dakota are open to competition will benefit consumers by making increased competition in all telecommunications service markets possible in these states. We are also confident that the state commissions, as they address allegations of past violations of the statute and consider any future problems that may develop, will continue to ensure that Qwest meets its statutory obligations.

II. BACKGROUND

6. In the 1996 amendments to the Communications Act, Congress required that the Bell Operating Companies ("BOCs") demonstrate compliance with certain market-opening requirements contained in section 271 of the Act before providing in-region, interLATA long distance service. Under section 271, Congress requires that the Commission review BOC applications to provide such service in consultation with the affected state and the Attorney General.[8]

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[5] Qwest Application, App. A, Tab 4, Declaration of David L. Teitzel (Qwest Teitzel Decl.) at paras. 55, 63.

[6] *Id.*

[7] *Id.*

[8] The Commission has summarized the relevant statutory framework in prior orders. *See, e.g.*, *Joint Application by SBC Communications Inc., Southwestern Bell Tel. Co., and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma*, CC Docket No. 00-217, Memorandum Opinion and Order, 16 FCC Rcd 6237, 6241-42, paras. 7-10 (2001) (*SWBT Kansas/Oklahoma Order*), *aff'd in part, remanded in part sub nom. Sprint Communications Co. v. FCC*, 274 F.3d 549 (D.C. Cir. 2001); *Application by SBC Communications Inc., Southwestern Bell Tel. Co. and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, Memorandum Opinion and Order, 15 FCC Rcd 18354, 18359-61, paras. 8-11 (2000) (*SWBT Texas Order*); *Application by Bell Atlantic New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC Rcd 3953, 3961-63, paras. 17-20 (1999) (*Bell Atlantic New York Order*), *aff'd*, *AT&T Corp v. FCC*, 220 F.3d 607 (D.C. Cir. 2000).

7. *New Mexico.* The New Mexico Commission independently reviewed the record developed in the MCP; conducted state-specific pricing procedures to establish initial rates for unbundled network elements ("UNEs") and interconnection, and recently modified and approved Qwest's proposed adjustment of core UNE rates using the new Colorado rates as benchmarks; and reviewed, modified, and adopted the Qwest Performance Assurance Plan ("QPAP").[9] The New Mexico Commission recommended that the Commission approve Qwest's application subject to the Commission's determination that Qwest satisfied Track A in New Mexico.[10]

8. *Oregon.* The Oregon Commission conducted a series of workshops open to all participants and issued reports addressing and resolving checklist criteria and issues related to Qwest's compliance with the checklist items. The Oregon Commission also adopted the QPAP, held UNE pricing proceedings to establish initial rates, and subsequently accepted adjusted rates based on the new Colorado rates as benchmarks.[11] The Oregon Commission recommended that the Commission approve Qwest's application to provide in-region, interLATA service.[12]

9. *South Dakota.* The South Dakota Commission implemented procedures allowing for resolution of disputed issues and participated in the ROC collaborative development of performance measurements and standards.[13] The South Dakota Commission participated in the development of the QPAP. Although the South Dakota Commission initially declined to accept some features of Qwest's proposed South Dakota QPAP,[14] it subsequently found Qwest's application to be in the public interest.[15] The South Dakota Commission found that Qwest has met the 14-point checklist and the Track A requirements.[16]

10. The Department of Justice recommends approval of this application, subject to the Commission satisfying itself regarding Qwest's compliance with Track A in New Mexico.[17] Additionally, the Department of Justice finds that facilities-based entry is available to

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[9] New Mexico Commission Comments at 1-2, 7-8, 37-44.

[10] *Id.* at 2-4.

[11] Oregon Commission Comments at 3, 8-9, 13-14; Qwest Application App. A, Tab 28, Declaration of Jerrold L. Thompson paras. 7-28 (Qwest Thompson Oregon Decl.).

[12] Oregon Commission Comments at 19.

[13] South Dakota Commission Comments at 1-8.

[14] *Id.* at 4, 9-11; *see also* section VI.A. (Public Interest) below.

[15] South Dakota Commission Reply at 4.

[16] South Dakota Commission Comments at 16.

[17] Department of Justice Evaluation at 8-9, 11-12. The Department of Justice said that Qwest should clarify its position concerning several OSS complaints of WorldCom and that the Commission should carefully review that response. Department of Justice Evaluation at 8 n.32.

competitors in South Dakota, and that there are not any material obstacles to entry in New Mexico or Oregon.[18]

A. Focus on Primary Issues in Dispute

11. As in recent section 271 orders, we will not repeat here the analytical framework and particular legal showing required to establish compliance with every checklist item.[19] Rather, we rely on the legal and analytical precedent established in prior section 271 orders, and we attach comprehensive appendices containing the statutory framework for evaluating section 271 applications and performance data relevant to this application.[20] Our conclusions in this Order are based on performance data as reported in monthly performance reports reflecting service in the most recent months before filing, September 2002 through January 2003.

12. We begin our analysis of Qwest's application with the threshold question of whether it qualifies for consideration under section 271(c)(1)(A) (Track A). We then discuss checklist item two (unbundled network elements, or UNEs).[21] Next, we address Qwest's

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[18] *Id.* at 8 ("Regarding competition for residential customers, the Department finds that the facilities-based mode of entry is open in South Dakota. Although in New Mexico and Oregon there is less entry to serve residential customers via facilities (including UNE-loops), the Department does not believe there are any material obstacles to such entry in those states created by Qwest.").

[19] *See Application by Verizon New England Inc., Bell Atlantic Communications, Inc.* (*d/b/a Verizon Long* Distance), *NYNEX Long Distance Company* (*d/b/a Verizon Enterprise Solutions*), *Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Rhode Island*, CC Docket No. 01-324, Memorandum Opinion and Order, 17 FCC Rcd 3300, Apps. B, C, and D (2002) (*Verizon Rhode Island Order*); *Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc., d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Arkansas and Missouri*, CC Docket No. 01-194, Memorandum Opinion and Order, 16 FCC Rcd 20719, Apps. B, C, and D (2001) (*SBC Arkansas/Missouri Order*); *Verizon Pennsylvania Order*, 16 FCC Rcd 17419, Apps. B and C (2001); *see also* Appendix F (Statutory Requirements).

[20] *See generally* Appendices B (Colorado Performance Data), C (New Mexico Performance Data), D (Oregon Performance Data), E (South Dakota Performance Data) and Appendix F.

[21] We note that, last year, the United States Court of Appeals for the District of Columbia Circuit addressed two relevant Commission decisions, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*UNE Remand Order*) and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 20912 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002). The court's decision addressed both our UNE rules and our line sharing rules. On February 20, 2003, the Commission took action to revise its rules concerning incumbent LECs' obligations to make available elements of their networks on an unbundled basis to requesting carriers. *FCC Adopts New Rules For Network Unbundling Obligations Of Incumbent Local Phone Carriers, News Release*, (rel. Feb. 20, 2003) (announcing adoption of an Order on Remand and Further Notice of Proposed Rulemaking in CC Docket No. 01-338, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*) (*Triennial Review News Release*). We note, however, that in determining whether a BOC applicant has satisfied the requirements of section 271, the Commission evaluates an applicant's compliance with (continued….)

compliance with other checklist items: one (interconnection), four (unbundled local loops), five (transport), and seven (E911/Operator Services/Directory Assistance) (OS/DA). The remaining checklist items are discussed briefly, as the Commission found no significant patterns of performance problems with regard to these checklist items, and they received little to no attention from commenting parties. Finally, we discuss whether Qwest's requested authorization to provide in-region, long distance will be carried out in accordance with the requirements of section 272 and whether such authorization is consistent with the public interest.

III. PRIMARY ISSUES IN DISPUTE

A. Compliance With Section 271(c)(1)(A)

13. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, the BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or section 271(c)(1)(B) (Track B).[22] To meet the requirements of Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[23] In addition, the Act states that "such telephone exchange service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange service facilities in combination with the resale of the telecommunications services of another carrier."[24] The Commission has concluded that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers,[25] and that unbundled network elements are a competing provider's "own telephone exchange service facilities" for purposes of section 271(c)(1)(A).[26] Furthermore, the Commission has held that a BOC must show that at least one "competing provider" constitutes "an actual commercial alternative to the BOC,"[27] which a BOC can do by demonstrating that the

(Continued from previous page)
the competitive checklist as developed in the Commission's competition rules and orders in effect at the time the application was filed. *See SWBT Texas Order*, 15 FCC Rcd at 18367-68, para. 28 (2000).

22 47 U.S.C. § 271(c)(1); Appendix F at paras. 15-16.

23 *Id.*

24 47 U.S.C. § 271(c)(1)(A).

25 *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, CC Docket No. 97-137, Memorandum Opinion and Order, 12 FCC Rcd 20543, 20585, para. 85 (1997) (*Ameritech Michigan Order*); *see also Application by BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as Amended, to Provide In-Region, InterLATA Services in Louisiana*, CC Docket No. 98-121, Memorandum Opinion and Order, 13 FCC Rcd 20599, 20633-35, paras. 46-48 (1998) (*BellSouth Second Louisiana Order*).

26 *Ameritech Michigan Order*, 12 FCC Rcd at 20598, para. 101.

27 *Application by SBC Communications Inc., Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Oklahoma*, CC Docket No. 97-121, Memorandum Opinion and Order, 12 FCC Rcd 8685, 8695, para. 14 (1997) (*SWBT Oklahoma Order*).

provider serves "more than a *de minimis* number" of subscribers.[28] Finally, the Commission has held that Track A does not require any particular level of market penetration, and the D.C. Circuit has affirmed that the Act "imposes no volume requirements for satisfaction of Track A."[29]

14. We conclude that Qwest satisfies the requirements of Track A in New Mexico, South Dakota, and Oregon. The New Mexico Commission found that Qwest complied with Track A for business subscribers, but deferred the issue of Qwest's compliance with Track A for New Mexico residential consumers to the FCC.[30] The South Dakota and Oregon Commissions found that Qwest satisfies the requirements of Track A in these states.[31] Qwest relies on interconnection agreements with AT&T Broadband Phone of Oregon, AT&T Corp. (fka TCG-Oregon), Black Hills FiberCom, Brooks Fiber of New Mexico, Cricket Communications, Eastern Oregon Telecom, McLeodUSA, Northern Valley Communications, and Time Warner Telecom of New Mexico in support of its Track A showing for these three states.[32] These interconnection agreements are "binding agreements that have been approved under section 252 specifying the

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[28] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6257, para. 42; *see also Ameritech Michigan Order,* 12 FCC Rcd at 20585, para. 78.

[29] *Sprint v. FCC*, 274 F.3d at 553-54; *see also SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998) ("Track A does not indicate just how much competition a provider must offer in either the business or residential markets before it is deemed a 'competing' provider.") (*SBC v. FCC*).

[30] Qwest Application App. C, Vol. 1, Tab 19, New Mexico PRC Final Order Regarding Compliance with Outstanding 271 Requirements: SGAT Compliance, Track A, and Public Interest (Qwest New Mexico Commission Final Order) at 46-47, 66, paras. 119-120, 156. The Department of Justice also defers to the Commission's expert judgment in deciding whether Qwest complies with the statute. Department of Justice Evaluation at 10. We reject Touch America's contention that the New Mexico Commission and Department of Justice erred in deferring this issue to this Commission. Touch America Reply at 5. Neither entity is required by the statute to make a Track A finding. Similarly, we reject AT&T's characterization of the Department of Justice Evaluation as suggesting that it would be arbitrary for the Commission to base Track A compliance on a broadband Personal Communications Service (PCS) provider. AT&T Reply at 11-12. The Department of Justice states that the Commission's conclusion on this specialized issue of statutory construction as applied to the record in any particular state, cannot be viewed as predictive of how the Department of Justice might analyze a telecommunications market or determine the market participants in an antitrust matter. The Department of Justice notes that the New Mexico Commission ''found 'significant problems' in Qwest's survey methodology yet added that it is difficult to believe that [Leap] is serving in excess of 40,000 New Mexicans without a significant number of those customers engaging in some form of wireline substitution.'' Department of Justice Evaluation at 9. The Department of Justice did not offer its own opinion of Qwest's survey.

[31] Qwest Teitzel. Decl. at paras. 16-20; Oregon Commission Comments at 9; South Dakota Commission Comments at 4; Qwest Application App. C, Vol. 1, Tab 13, Oregon PUC Workshop 4, Part 2, Findings and Recommendation Report of the Commission and Procedural Ruling (Qwest Oregon PUC Workshop 4 Findings and Recommendation Report) at 38-39; Qwest Application App C, Vol. 1, Tab 6, South Dakota Order Regarding General Terms and Conditions and Track A at 5-7.

[32] Qwest Application, Attach. 5, App. L, Interconnection Agreements – New Mexico.

terms and conditions under which [Qwest] is providing access and interconnection to its network facilities" as required under section 271(c)(1)(A).[33]

15. In New Mexico, we find that Brooks Fiber of New Mexico, McLeodUSA and Time Warner Telecom of New Mexico each serve more than a *de minimis* number of business end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[34] Specifically, Brooks Fiber provides telephone exchange service to business subscribers predominantly through its own facilities and UNE-loops. McLeodUSA provides telephone exchange service to business subscribers predominantly through UNE-loops and UNE platform. Time Warner Telecom of New Mexico provides telephone exchange service to business subscribers predominantly through its own facilities.[35] As we explain further below, we find that Cricket Communications, a PCS provider, serves more than a *de minimis* number of residential users over its own facilities and, for purposes of section 271 compliance, represents an actual commercial alternative to Qwest for residential telephone exchange services.[36] We note that our consideration of Cricket Communications for Track A compliance does not mean that *all* Qwest residential telephone exchange service customers in New Mexico view the Cricket Communications service as a commercial alternative to Qwest's telephone exchange service. Our consideration is limited to the purpose of determining section 271 compliance in this particular application.

16. In Oregon, we find that AT&T Broadband Phone of Oregon, AT&T Corp. (fka TCG-Oregon) and Eastern Oregon Telecom serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[37] AT&T Broadband Phone of Oregon provides telephone exchange service to residential subscribers predominantly through its own facilities. AT&T Corp. (fka TCG-Oregon) provides service to business subscribers predominantly through UNE platform and UNE-loops. Finally,

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[33] 47 U.S.C. § 271(c)(1)(A).

[34] Qwest Teitzel Decl. at paras. 33-35, 52-55; Qwest Teitzel Decl., Ex. NM-1 (*citing confidential information*); Qwest Teitzel Decl., Ex. NM-4 at 2-3, 6- 8, 15-18.

[35] *Id*. Qwest estimates that competing LECs now serve at least 3.9 percent of access lines in New Mexico. Qwest Teitzel Decl., para. 72.

[36] Because we conclude that Qwest has satisfied Track A through its showing for Cricket Communications, we need not determine whether the other competitive carriers providing residential services Qwest cites serve more than a *de minimis* number of residential subscribers for the purposes of Track A. *See* Department of Justice Evaluation at 9-10; AT&T Comments at 11-15; New Mexico Commission Comments at 19-23; WorldCom Comments at 2-4; Touch America Reply at 3-4 (disputing Qwest's showing of residential resale service and at least one carrier that provides facilities-based service to business customers and resale service to residential customers); Letter from Christopher T. Shenk, Sidley Austin Brown and Wood, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 20 2003) at 4-6 (AT&T Mar. 20 *Ex Parte* Letter).

[37] Qwest Teitzel Decl. at paras. 33-35; Qwest Teitzel Decl., Ex. OR-1 (*citing confidential information*); Qwest Teitzel Decl., Ex. OR-4 at 1-4, 27-28.

Eastern Oregon Telecom provides telephone exchange service to residential and business subscribers predominantly through UNE-loops.[38]

17. In South Dakota, we find that Blackhills FiberCom, McLeodUSA, and Northern Valley Communications each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest.[39] Blackhills FiberCom and Northern Valley Communications provide telephone exchange service to residential and business subscribers predominantly through their own facilities. McLeodUSA provides telephone exchange service to residential and business subscribers predominantly through UNE platform and UNE-loops.[40]

1. Broadband PCS Constitutes Telephone Exchange Service For Purposes of Section 271(c)(1)(A)

18. The Commission has previously determined that broadband PCS[41] satisfies the statutory definition of ''telephone exchange service'' for purposes of section 271(c)(1)(A), and that broadband PCS may form the basis of a Track A finding.[42] In the *BellSouth Second Louisiana Order*, the Commission found that the broadband PCS service at issue there constitutes a telephone exchange service for purposes of Track A, notwithstanding the different technical configuration, service characteristics, and service charges of broadband PCS and wireline service.[43] Similarly, here we find that Cricket Communications' residential broadband PCS offering in New Mexico also is a ''telephone exchange service'' for purposes of Track A.[44] The Commission recognized in 1998 that broadband PCS services provide both advantages and disadvantages to wireline telephone services. For instance, broadband PCS consumers may be

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[38] *Id*. Qwest estimates that competing LECs now serve approximately 21.3 percent of the access lines in Oregon. Qwest Teitzel Decl., para. 72.

[39] Qwest Teitzel Decl. at paras. 33-35; Qwest Teitzel Decl., Ex. SD-1 (*citing confidential information*); Qwest Teitzel Decl., Ex. SD-4 at 1-16.

[40] *Id*. Qwest estimates that competing LECs now serve approximately 29.4 percent of the access lines in South Dakota. Qwest Teitzel Decl., para. 72.

[41] Broadband PCS refers to mobile telephony service authorized in the 1850-1910 and 1930-1990 MHz bands. 47 C.F.R. § 24.200.

[42] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20606, 20622-23, paras. 11, 29-30. We reject AT&T's argument that it would arbitrary and unlawful for the Commission to find Track A compliance based on Cricket Wireless Service. AT&T Mar. 20 *Ex Parte* Letter at 4. As AT&T points out, the Act precludes applicants from relying only on cellular wireless. In the *BellSouth Second Louisiana Order*, the Commission concluded that broadband PCS qualifies as a telephone exchange service for purposes of Track A; otherwise Congress would not have needed to create 'carve-out' language for cellular providers. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20622, para. 29.

[43] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20622, para. 29.

[44] *Id.* at 20622-23, paras. 29-30.

willing to pay a premium for broadband PCS in light of the benefits of mobility.[45] Here, we reject commenters' arguments that the disadvantages of broadband PCS service relative to traditional wireline service should cause us to exclude consideration of broadband PCS as a telephone exchange service for purposes of section 271(c)(1)(A) compliance.[46] The limitations listed by commenters are not new limitations to broadband PCS and were features of the BellSouth broadband PCS service that the Commission concluded in 1998 constituted a telephone exchange service for purposes of section 271(c)(1)(A).[47] As in the *BellSouth Second Louisiana Order*, while there are certain technical and functional differences between broadband PCS and wireline exchange service, we conclude, based on the current record, that these differences are not sufficient to prevent Cricket's broadband PCS offering from fitting within the definition of telephone exchange service for purposes of section 271. Nor do we see any other reason to reconsider the Commission's prior finding that Track A compliance can be based on a broadband PCS provider.

19. In the *BellSouth Second Louisiana Order*, the Commission determined that to satisfy Track A, a BOC must show that consumers are using broadband PCS in lieu of, and not as a supplement to, their wireline telephone service.[48] The Commission found that relevant evidence could include studies identifying customers that use broadband PCS in lieu of wireline service, as well as marketing efforts by broadband PCS providers designed to induce replacement of wireline service with broadband PCS services.[49] The Commission noted that the persuasive value of any study would depend upon the quality of the study and statistical methodology used in the study.[50] The Commission also indicated that a survey used for this

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[45] *Id.* at 20624, para. 32.

[46] AT&T Comments at 16-18; AT&T Reply at 6; WorldCom Reply at 17; AT&T Mar. 20 *Ex Parte* Letter at 4. We reject AT&T's contention that two services cannot be considered economically meaningful substitutes if there are substantial quality differences between the services. AT&T Reply at 6-7. A service can be described as a bundle of characteristics of which the quality of the service can be one component. In this situation, the price that the consumer is willing to pay for the service will be affected by the quality of the services, as well as other factors. *See generally* Jean Tirole, *Theory of Industrial Organization,*(1992), Chapter 2; B. Curtis Eaton and Richard G. Lipsey, ''Product Differentiation,'' *Handbook of Industrial Organization,* Vol. 1 ed. R. Schmalensee and R.D. Willig, (1990). We reject AT&T's allegation that Leap Wireless does not plan to upgrade its network to Phase II-type E911 service. Leap Wireless' quarterly implementation report indicates that, although Leap is depending upon third party providers to implement aspects of its E911 solution, Leap has installed all necessary upgrades to all of its switches and its switch equipment is ready to support Phase II service. AT&T Comments at 16; Letter from Glenn Umetsu, Senior Vice President – Engineering and Operations, Leap Wireless, to Thomas Sugrue, Chief, Wireless Telecommunications Bureau, Federal Communications Commission at 2 (filed February 3, 2003).

[47] *See BellSouth Second Louisiana Order*, 13 FCC Rcd at 20621-24, paras. 28-32.

[48] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20623-24, paras. 31-32. The Commission recognized that it may be difficult to determine whether a customer subscribes to PCS as a complement to a wireline service or in place of a second line. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20623, para. 31 n.71.

[49] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20623-24, paras. 31-32.

purpose should include a question to determine whether the respondent subscribes to a wireline service or should otherwise verify that the subscriber does not have a wireline service.[51]

2. Qwest's Broadband PCS Evidence

20. We find that the evidence submitted by Qwest adequately demonstrates that more than a *de minimis* number of Cricket customers use their service in lieu of wireline telephone service. The record shows that Cricket's marketing efforts stress that its product is a substitute for residential local telephone service. Further, we find that Qwest's survey also demonstrates that Cricket customers use Cricket service in lieu of wireline telephone service. Qwest's evidence is based on a large, random sample in which a proportion of the respondents indicated that they do not have wireline local telephone service in their homes. We find that the number of survey respondents who indicate that they do not have such service is sufficient by itself to demonstrate that Cricket service is a commercial alternative to Qwest customers and that it serves more than a *de minimis* number of consumers.[52]

21. Qwest's Track A showing relies upon examples of Cricket's marketing strategy,[53] a description of similarities between Cricket's broadband PCS service and traditional wireline service, and a survey of Cricket's customers in New Mexico.[54] Cricket Communications is a

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[50] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20624, para. 32. AT&T is incorrect in its assertion that the Commission indicated in the *BellSouth Second Louisiana Order* that a wireless service can be considered a commercial alternative to wireline local telephone service only if there is established a cross-elasticity of demand between the two services. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20625, para. 33.

[51] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20627-28, para. 39.

[52] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20625-28, paras. 35-39. Thus, we do not need a confidence interval for this question to estimate the number of customers from the population of Cricket customers in New Mexico that do not have a local wireline telephone service. Further, the New Mexico Commission record indicates that the New Mexico Commission witness did not find fault with selection of the sample, the survey size, or the reported confidence intervals. Qwest Application, App. K, Record of New Mexico 271 Proceeding, Vol. 1, Tab. 1276, Staff Exh. 2 - Testimony of Michael S. Ripperger (*Ripperger Testimony*) at 23-24.

[53] The Commission has recognized in other contexts increased substitution between wireless mobile telephony and local telephony service, and that some broadband PCS carriers, and in particular Cricket Communications, have purposefully designed their service packages to compete directly with wireline local telephone services. *See In the Matter of Federal-State Joint Board on Universal Service,* CC Docket No. 96-45, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 02-329 (rel. Dec. 13, 2002), para. 21; Federal Communications Commission, Seventh Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services at 32-36 (*Seventh CMRS Competition Report*); Federal Communications Commission, Sixth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services at 32-34 (*Sixth CMRS Competition Report).* We note that Leap Wireless, Cricket Communications' parent, reports that it has succeeded as a landline substitute, as 26 percent of its customers do not subscribe to any traditional landline phone service at home, and its customers use approximately 1,200 minutes per month, more than triple the industry average for PCS and cellular customers. Letter from Laurie Itkin, Director – Government Affairs, Leap Wireless, to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 95-166 at 2 (filed February 25, 2003).

[54] Qwest Teitzel Decl. at paras. 40-51; Qwest Reply at 7-8.

facilities-based broadband PCS provider operating in Albuquerque and Santa Fe.[55] As noted in Leap Wireless' press releases and filings to this Commission, Leap Wireless markets its Cricket service as a ''landline replacement.''[56] As with residential wireline service, subscribers to Cricket: pay a flat monthly fee for unlimited local calling from its service area in Albuquerque and Santa Fe and for unlimited incoming calls; pay additional per-minute charges for outgoing long distance calls; and may subscribe to vertical features for an additional monthly charge.[57] We note that television spot ads encourage consumers to replace their home phones with Cricket service and that the home web-page for Cricket directly markets this service as a substitute for residential local telephone service with a large print header inviting subscribers to ''Get this home phone free.''[58] We find that, consistent with the *BellSouth Second Louisiana Order*, this evidence is persuasive in demonstrating that broadband PCS is being used to replace wireline service in New Mexico.[59]

22. In addition to Cricket's marketing materials, Qwest submits the results of a large, random telephone survey of Cricket subscribers in New Mexico conducted by FrederickPolls.[60] We find the survey responses to the direct question of whether the subscriber has wireline telephone exchange service in his or her home sufficient to establish that Cricket is a commercial alternative to Qwest for purposes of Track A compliance and that more than a *de minimis* number of consumers use Cricket service in lieu of local wireline telephone service in New Mexico.

23. Consistent with the framework established in the *BellSouth Second Louisiana Order*, the survey asks directly whether Cricket billpayers have a wireline phone service in their home.[61] Specifically, the survey consisted of two telephone interviews. During the first

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[55] Qwest Teitzel Dec., para. 36.

[56] Qwest Reply at 8; Leap Wireless Press Release, ''Leap Reports Results for Third Fiscal Quarter of 2002,'' November 13, 2002; Leap Wireless Press Release, ''Leaping over Landline: Leap Leads Wireline Displacement Trend,'' June 24, 2002.

[57] Qwest Teitzel Decl., para. 49; http://www.cricketcommunications.com (visited Feb. 27, 2002).

[58] Qwest Reply at 9; Qwest Reply, Tab 1, Gary L. Noble Declaration, Attach. (*Qwest Noble Decl.*); http://www.cricketcommunications.com (visited Feb. 27, 2002).

[59] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20623-24, para. 31.

[60] Qwest Teitzel Decl., Exh. NM-5, Corrected Direct Testimony of Keith Frederick at 9-10 (*Qwest Frederick Testimony*). In particular, FrederickPolls randomly selected 9,126 telephone numbers from a pool of 110,000 telephone numbers assigned to Cricket in New Mexico. Surveys were completed with 1,941 billpayers in the first interview, and 1,296 billpayers in the follow-up second interview. The survey sought to measure four types of replacement as a result of subscribing to Cricket: (1) an existing Qwest customer terminates all wireline service; (2) a potential Qwest consumer that does not sign up for Qwest; (3) an existing Qwest customer terminates a second or additional line, and (4) an existing Qwest consumer purchases Cricket service instead of a second or additional residential line. Qwest Frederick Testimony at 9-10, 14-15, 20-21.

[61] While the Commission found in the *BellSouth Second Louisiana Order*, that the persuasive value of any study of broadband PCS and wireline service competition would depend upon the quality of the survey and statistical (continued….)

interview, respondents were asked numerous questions about their use of the Cricket service and traditional wireline phone service.[62] For the second interview, FrederickPolls attempted to recontact all of the respondents to the first interview to ask a single follow-up question, ''Do you have wireline local telephone service in your home?''[63] This is the question that the Commission said should be asked in any attempt to establish substitution of local wireline service with broadband PCS service in the *BellSouth Second Louisiana Order*.[64]

24. The FrederickPolls survey is based on a randomly-selected sample of Cricket subscribers in New Mexico.[65] We rely upon Qwest's showing that 690 of the 1,296 re-contacted respondents indicated that they did not have wireline local telephone service in their home.[66] We conclude this is sufficient to establish that Cricket is a commercial alternative to Qwest and that more than a *de minimis* number of Cricket customers use Cricket in lieu of local wireline telephone service in New Mexico for purposes of Track A compliance.[67]

(Continued from previous page)
methodology used in the study, it determined that the most persuasive evidence concerning competition between broadband PCS and wireline local telephone service is evidence that customers are actually subscribing to broadband PCS in lieu of wireline service. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20624, para. 32.

62 Qwest Teitzel Decl., Exh. NM-5, Attach.

63 The New Mexico Commission concluded that long-term substitution between Qwest and Cricket could not be established because less than three months passed between the first and second interviews. New Mexico Commission Comments at 28. *See also* AT&T Comments at 21. However, this Commission has not found that survey respondents must answer this type of survey repeatedly or with at least a 3-month hiatus in order to establish long-term substitution. *See BellSouth Second Louisiana Order*, 13 FCC Rcd at 20628, para. 39.

64 The Commission found, ''in order to be persuasive, a survey such as this should also include a question asking whether the respondent subscribes to wireline local exchange service or otherwise verify that the subscriber does not have wireline local exchange service.'' *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20628, para. 39.

65 Qwest Teitzel Decl., para. 41; Qwest Teitzel Decl., Exh. NM-6, Rebuttal Testimony of Keith Frederick at 19-20 (*Qwest Frederick Rebuttal Testimony*); Ripperger Testimony at 23. The Commission has recognized that the randomness of any survey will be affected to some extent by the unwillingness of some parties to participate. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20627, para. 37 n.86.

66 Qwest Frederick Rebuttal Testimony at 17; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 Attach. (filed February 13A 2003) (Qwest Feb. 13A *Ex Parte* Letter).

67 *Id*. We do not need a confidence interval for this question to estimate the number of customers from the population of Cricket customers in New Mexico that do not have a local wireline telephone service, as the number of survey respondents who indicate that they do not have a wireline local telephone service alone is sufficient to demonstrate that the Cricket service is a commercial alternative to Qwest customers and that it serves more than a *de minimis* number of consumers. Further, the New Mexico Commission record indicates that the New Mexico Commission witness did not find fault with selection of the sample, the survey size, or the reported confidence intervals. *See*, Ripperger Testimony at 23-24. We reject the commenters' suggestions that Cricket's future is somewhat uncertain because it has recently been delisted from NASDAQ as there are no indications that Cricket is no longer operating in the market. *See* Qwest Reply at 17; AT&T Comments at 15-16; WorldCom Reply at 17.

25. Commenters' primary criticisms of the survey are as follows: (1) the wording of the questions is such that it is unclear whether the respondents answered as to their actual behavior;[68] (2) there are inconsistent responses to a number of the survey questions;[69] (3) there was no survey pre-test of the questions to ensure that respondents understood the questions and terms used;[70] (4) the follow-up telephone interview affects the randomness of the study;[71] (5) there is no statistical analysis of the survey;[72] and (6) Cricket targets a particular consumer group and is only available in a limited geographic market.[73] We address each of these criticisms in turn.

26. We recognize that the hypothetical wording of the survey questions in the *first* interview hampers our ability to interpret the results of these survey questions and may explain the seemingly inconsistent responses to some of these questions.[74] We find, however, that the follow-up question posed during the second interview session, ''Do you have wireline local telephone service in your home?'' is a direct, non-hypothetical question.[75] Indeed, the follow-up question is precisely what the Commission suggested would be probative in the *BellSouth Second Louisiana Order*.[76] We find that the response to this particular question is relevant to the issue of whether Cricket is a commercial alternative to Qwest's service and the number of negative responses to this question is relevant to our determination of whether more than a *de*

[68] AT&T Comments at 19-21; New Mexico Commission Comments at 26-27; WorldCom Comments at 5-6; AT&T Reply at 7-9; Touch America Reply at 5; WorldCom Reply at 16-17; AT&T Mar. 20 *Ex Parte* Letter at 2-3. We reject AT&T's argument that respondents from the first interview should be removed from the second interview pool if a person was confused about the term wireline during the second interview because our determination is based on the second interview and the term wireline was defined during this interview if the respondent was confused about the term. Qwest Frederick Testimony at 11-12.

[69] New Mexico Commission Comments at 26; AT&T Comments at 21-22; WorldCom Comments at 5-6; AT&T Reply at 8-9; AT&T Mar. 20 *Ex Parte* Letter at 1-2.

[70] New Mexico Commission Comments at 27; AT&T Comments at 19; WorldCom Comments at 6; AT&T Reply at 7.

[71] New Mexico Commission Comments at 28. We reject WorldCom's criticism that the survey was small because the opposing testimonies heard during the New Mexico Commission proceeding indicate that the survey was based on a large sample. WorldCom Comments at 6; Ripperger Testimony at 23.

[72] AT&T Reply at 10-11.

[73] AT&T Comments at 7; AT&T Reply at 2, 6, 9-10.

[74] AT&T Reply at 8-9.

[75] The survey defined wireline local telephone service as, ''local telephone service that is provided to your home by a wire telephone line. A cordless telephone that can only be used around the house also counts as wireline.'' Qwest Frederick Testimony, Attach.

[76] *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20628, para. 39.

minimis number of consumers use this service in lieu of Qwest's residential service for purposes of Track A compliance.[77]

27. We reject AT&T's argument that the survey did not establish actual replacement of wireless for wireline service because some Cricket subscribers may not have had Qwest service either because they had not yet established permanent residence or because they are teenagers or young adults.[78] AT&T offers no evidence that Cricket subscribers would forego any telephone exchange service if they did not have Cricket service. In addition, there is no evidence that the respondents can be characterized as young adults, college students, or individuals with credit problems.[79] Fifty-one percent of the respondents placed themselves in the wide age category of 18 to 29 years of age, and more than 45 percent of the respondents put themselves into one of the age categories for 30 years old or older.[80]

28. Although we agree with the New Mexico Commission that Qwest should have pre-tested the survey questions to ensure respondents understood the questions,[81] we find that the follow-up question is straightforward and thus reliable. Furthermore, we reject the criticism that respondents did not understand that the term ''wireline'' referred to traditional local telephone service.[82] The words ''phone service'' or ''telephone lines'' immediately precede or follow the term wireline in all of the questions. There is no reason to believe that the respondents, who are consumers of wireless phone service, are incapable of understanding the difference between wireless phone service, wireline phone service, and a cordless wireline phone. Moreover, the

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[77] AT&T argues that the survey does not provide direct evidence that consumers are using Cricket as a replacement to Qwest wireline service or that Cricket customers cancelled their Qwest service. AT&T Comments at 20-21; AT&T Reply at 9; AT&T Apr. 10 *Ex Parte* Letter at 3-4. In the *BellSouth Second Louisiana Order*, the Commission found that ''the most persuasive evidence concerning competition between PCS and wireline local telephone service is evidence that customers are actually subscribing to PCS in lieu of wireline service.'' The fact that a number of respondents answered ''no'' to the question, ''Do you have wireline local telephone service in your home?'' is sufficient evidence that some customers use the Cricket service in lieu of wireline local telephone service and are not using the Cricket service merely to complement wireline local telephone service. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20623-24, 20627-28, paras. 31-32, 39. *See also* Ripperger Testimony before the New Mexico Commission. Ripperger, the Telecommunications Bureau Chief for the New Mexico Commission, testified during the New Mexico Commission proceeding that the purpose of this question was to determine whether the Cricket service is a substitute and not a complement for local wireline service. Ripperger Testimony at 41-42.

[78] AT&T Reply at 9-10.

[79] Qwest Teitzel Decl., Exh. NM-5, Attach. There is no question that would identify the respondents as college students or as individuals with credit problems. *Id.*

[80] Qwest Feb. 13A *Ex Parte* Letter, Attach. The remaining 4 percent of the respondents refused to give their age.

[81] New Mexico Commission Comments at 26-27.

[82] Id. at 26-28; AT&T Comments at 20; WorldCom Comments at 6.

term ''wireline'' was defined for any respondents that requested a definition during the follow-up telephone interview.[83]

29. We reject the commenters' argument that the follow-up telephone interview affects the randomness of the sample. The respondents to the first telephone interview were randomly selected from the block of numbers assigned to Cricket, and FrederickPolls in its follow-up interview attempted to interview only those respondents that participated in the first telephone interview.[84] This method does not necessarily affect the randomness of the survey since this same methodology is used to track group of individuals over time in longitudinal or panel data studies.[85]

30. We similarly reject AT&T's contention that there is no statistical analysis in the study data.[86] The materials submitted by Qwest include estimates of statistical significance for a number of the survey responses.[87] Moreover, as noted above, there is no need to extrapolate from the survey results to the larger population of Cricket customers; we find that the survey results from the second interview themselves establish a sufficient number of individuals to satisfy Track A requirements. In this respect, the survey conducted by FrederickPolls is significantly different than the survey proffered by BellSouth in the *Louisiana II* proceeding. As noted above the absence of a confidence level for the survey question on whether the respondent has a residential wireline telephone does not alter our conclusion that Qwest has shown that Cricket provides a competitive alternative in the residential market. Although a confidence level would enable us to extrapolate from the survey results to estimate the total number of Cricket customers in New Mexico that do not have local wireline telephone service, this level of analysis is not necessary to show Track A compliance because the actual results of the survey indicate that more than a *de minimis* number of customers use Cricket in lieu of local wireline telephone service.

31. Finally, we disagree with AT&T's argument that Qwest cannot satisfy the requirements of Track A with a broadband PCS service because it is available only in a limited

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[83] Wireline local telephone service was defined as, ''local telephone service that is provided to your home by a wire telephone line. A cordless telephone that can only be used around the house also counts as wireline.'' Qwest Frederick Testimony, Attach.; Qwest New Mexico Commission Final Order at 64, para. 153. Similarly, we agree with the New Mexico Commission that Qwest has shown that respondents are likely to be residential customers because each relevant question refers to the respondent's home.

[84] New Mexico Commission Comments at 28; AT&T Comments at 21.

[85] *See generally* Raymond J. Jenson, *Statistical Survey Techniques*, 1978 at 413-417.

[86] AT&T Reply at 10-11.

[87] The New Mexico Commission record indicates that much of the New Mexico Commission record focused on the survey design, particularly the phrasing of the questions rather than the statistical analysis of the data. *See, e.g.*, Qwest New Mexico Commission Final Order at 60-67, paras. 149-157. The New Mexico Commission record also indicates that the New Mexico Commission's witness did not find fault with the selection of the sample, the survey size, and the reported confidence intervals. Ripperger Testimony at 24-46.

geographic market.[88] Our consideration of Cricket Communications for Track A compliance is not a conclusion that *all* Qwest residential telephone exchange service consumers in New Mexico view Cricket service as a commercial alternative to Qwest's telephone exchange service.[89] Instead, our analysis considers only whether Cricket is a commercial alternative to Qwest's residential service for some consumers and whether more than a *de minimis* number of consumers use Cricket service in lieu of Qwest's residential service. The Commission has never required a qualifying carrier for our Track A analysis to be widely available within a state.[90] In fact, many qualifying carriers that we have relied upon in prior section 271 approvals have not been widely available in a state. We note, however, that Cricket operates in the cities of Albuquerque and Santa Fe, which are major population centers in New Mexico; and 28 percent of the New Mexico population live within these cities' limits.[91] Furthermore, we reject commenters' unsubstantiated contention that Cricket cannot be a commercial alternative for Qwest's wireline service because Cricket targets a niche population.[92] The Commission has never found that for a competitor to be considered a commercial alternative it must be viewed as an alternative by the ''vast majority of customers.''[93] Therefore, based on the entirety of the record in this proceeding, we find that Cricket is an actual commercial alternative to Qwest's residential telephone service in New Mexico, and that Cricket provides service to more than a *de minimis* number of residential subscribers in New Mexico for purposes of establishing Track A compliance under section 271.[94] We note that our consideration of Cricket Communications for Track A compliance is not a consideration of whether *all* New Mexico Bell residential telephone exchange service consumers view the Cricket service as a commercial alternative to Qwest's telephone exchange service. Our consideration is limited for the purposes of section 271 compliance.

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88 AT&T Comments at 7; AT&T Reply at 6.

89 Our conclusion that Cricket Communications serves more than a *de minimis* number of customers and is an actual commercial alternative to Qwest for some residential telephone exchange subscribers is sufficient for assessing compliance with section 271.

90 Qwest Reply at 15. *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20584-85, paras. 76-77.

91 U.S Census Bureau, American Factfinder, 2000 Census, Geographic Comparison Table for New Mexico. http://www.factfinder.census.gov (Feb. 27, 2002).

92 AT&T Comments at 16; AT&T Reply at 9-10; WorldCom Reply at 18.

93 AT&T Comments at 16.

94 We reject WorldCom's contention that Cricket cannot be considered an actual provider of services because Leap Wireless, its parent, has been delisted from NASDAQ. AT&T Reply at 6; WorldCom Reply at 17-18. There is no evidence that Cricket has ceased accepting subscribers to its service. Leap Wireless announced in August 2002 that it was in restructuring discussions with creditors. On April 13, 2003, Leap, Cricket and substantially all of their subsidiaries filed petitions for reorganization under Chapter 11 of the U.S. Bankruptcy Code. *See* http://www.leapwireless.com/gindex.html. Leap stated in a press release on April 14th that while the company is reorganizing, daily operations at the company will continue, Cricket stores will remain open, and network service will not be interrupted. Leap stated that it did not expect any organizational changes or reduction in force as a result of its filing for reorganization.

3. Other Issues

32. Finally, we reject the argument put forth by AT&T, Sprint and WorldCom that Qwest should fail Track A in either Oregon or New Mexico because only a small percentage of access lines are currently served by competing LECs.[95] As we have noted in previous section 271 orders, Congress specifically declined to adopt a market share or other similar test for BOC entry into long distance.[96] And, as stated above, we find that there is an actual commercial alternative in each of the three states serving more than a *de minimis* number of customers.

B. Checklist Item 2 –Unbundled Network Elements

33. Checklist item 2 of section 271 states that a BOC must provide "[n]ondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1) of the Act."[97] Based on the evidence in the record, we conclude, as did the state commissions, that Qwest has satisfied the requirements of checklist item 2.

34. In this section, we address aspects of this checklist item that raised significant issues concerning whether Qwest's performance demonstrates compliance with the Act: (1) Operations Support Systems (OSS); (2) provisioning of UNE combinations; and (3) UNE pricing. Aside from OSS, UNEs that Qwest must make available under section 251(c)(3) are listed as separate items on the competitive checklist, and are addressed below under other checklist items, as are any provisioning issues that may be in dispute.[98]

1. Operations Support Systems

35. Under checklist item 2, a BOC must demonstrate that it provides nondiscriminatory access to the five OSS functions: (1) pre-ordering; (2) ordering; (3) provisioning; (4) maintenance and repair; and (5) billing.[99] In addition, a BOC must show that it provides nondiscriminatory access to UNEs and that it has an adequate change management process in place to accommodate changes made to its systems.[100] Based on the evidence in the

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[95] AT&T Comments at 6; Sprint Comments at 9; WorldCom Comments at 1-2. Sprint contests the number of lines that Qwest attributes to it. Sprint Comments at 10-11. Our Track A analysis does not rely on the lines Qwest attributes to Sprint.

[96] *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77; *Sprint v. FCC*, 274 F.3d at 553-54.

[97] 47 U.S.C. § 271(c)(2)(B)(ii).

[98] 47 U.S.C. § 271(c)(2)(B). For example, unbundled loops, transport and switching are listed separately as checklist items 4, 5, and 6.

[99] *See Qwest 9-State Order*, 17 FCC Rcd at 26320, para. 34 (2002); *Bell Atlantic New York Order,* 15 FCC Rcd at 3989, para. 82. The Commission has defined OSS as the various systems, databases, and personnel used by incumbent LECs to provide services to their customers. *See SWBT Texas Order*, 15 FCC Rcd at18396-97, para. 92.

[100] *See Qwest 9-State Order*, 17 FCC Rcd at 26320, para. 34 (2002); *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102 and n.277 (citations omitted).

record, we find, as did the state commissions, that Qwest provides nondiscriminatory access to its OSS in the application states.[101] Consistent with prior Commission orders, we do not address each OSS element in detail where our review of the record satisfies us there is little or no dispute that Qwest meets the nondiscrimination requirements.[102] First, we discuss the relevance of Qwest's regionwide OSS. Second, we focus our discussion on those issues in controversy, which in this instance primarily involve certain elements of Qwest's pre-ordering, ordering, maintenance and repair, wholesale billing, and change management practices.

a. Relevance of Qwest's Regionwide OSS

36. Consistent with our precedent, Qwest relies in this application on evidence concerning its regionwide OSS.[103] Specifically, Qwest asserts that its OSS in the three application states is the same as its OSS in the entire 13-state region that participated in the ROC test. The 13 participating states in Qwest's local service region initiated a collaborative process to design an overall plan for ensuring that Qwest's OSS and related databases and personnel are available to competing LECs in an open and nondiscriminatory manner.[104] As discussed in the *Qwest 9-State Order*, to support its claim that its OSS is the same across all states, Qwest relies on the comprehensive KPMG test.[105] KPMG, in addition to administering the overall test, performed a regional differences assessment (RDA), which showed that Qwest's ordering, provisioning, maintenance and repair, and competing LEC relationship management and infrastructure are materially consistent across the region.[106]

37. Where Qwest provides evidence that a particular system that was reviewed and approved in one of the nine states where Qwest received section 271 approval is also used in the

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[101] *See* New Mexico Commission Comments at 35; Oregon Commission Comments at 11; South Dakota Commission Comments at 4. Furthermore, in its Evaluation, the Department of Justice concludes that Qwest does not create any material obstacles to competitive entry serving business or residential customers in the application states. Department of Justice Evaluation at 8. However, we also note that in its Evaluation, the Department of Justice mentioned allegations made by WorldCom that do not directly contradict evidence on which the Commission relied in approving Qwest's prior application, but do implicate some of the additional assurances that Qwest had made in support of its prior application. Department of Justice Evaluation at 8 n.32. The Department of Justice noted that Qwest should clarify several of its positions and the Commission should review Qwest's responses. Department of Justice Evaluation at 8 n.32. *See* III.B.1.b., para. 39 and III.B.1.f. para. 60-61 below.

[102] *See Verizon Connecticut Order*, 16 FCC Rcd at 14151, para. 9. We note that the City of Portland asserts that Qwest's refusal to interconnect with the City of Portland, despite its existing approved interconnection agreement with Qwest, is in violation of checklist items 1, 2, 4, and 5. *See* City of Portland Comments at 4-7. This issue is discussed fully below under Checklist Item 1 – Interconnection.

[103] *See Qwest 9-State Order*, 17 FCC Rcd at 26321, para. 35 (2002).

[104] Qwest Notarianni/Doherty Decl., para. 19.

[105] *See Qwest 9-State Order*, 17 FCC Rcd at 26321, para. 36 (2002).

[106] *Id.*

application states, our review will be informed by our findings in the *Qwest 9-State Order*.[107] We find that Qwest, through the KPMG test and its declarations, provides sufficient evidence that its OSS in the application states are the same OSS as in the nine-state region. In particular, we use Colorado, which is the state previously approved in the *Qwest 9-State Order* with the most significant volumes, as an "anchor" state. Thus, where performance with low volumes in one of the application states yields inconclusive or inconsistent information regarding Qwest's compliance with the competitive checklist, we will analyze Qwest's performance in Colorado to make our determination.[108] We note that no commenter has suggested that we should not consider evidence of Qwest's Colorado OSS in this proceeding.

38. In reaching our conclusion that Qwest has demonstrated it provides nondiscriminatory access to its OSS, we rely on detailed evidence provided by Qwest in this proceeding. We base this determination on Qwest's actual performance in the three application states. Consistent with our past practice, we note that in the course of our review, we look for patterns of systematic performance disparities that have resulted in competitive harm or that have denied new entrants a meaningful opportunity to compete.[109] Isolated cases of performance disparity, especially when the margin of disparity is small, generally will not result in a finding of checklist noncompliance.[110]

b. Pre-ordering

39. Based on the evidence in the record, we find, as did the state commissions, that Qwest demonstrates it provides carriers with nondiscriminatory access to its OSS pre-ordering functions.[111] Commenters raise issues related to the address validation function and loop qualification function, which are discussed below.

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[107] *See SBC Kansas/Oklahoma Order*, 16 FCC Rcd at 6253-6245, para. 35. Indeed, to the extent that certain issues have been previously briefed, reviewed and resolved in a prior section 271 proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for relitigating and reconsidering those issues. *Id.*

[108] As the Commission has found in past section 271 applications, performance data based on low volumes of orders or other transactions is not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. It is thus not possible to place the same evidentiary weight upon – and to draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity. *See, e.g., SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6254, para. 36. We note, however, that convincing commercial evidence of discriminatory treatment in a certain applicant state cannot be trumped by convincing evidence of satisfactory treatment in an "anchor state."

[109] *See Qwest 9-State Order*, 17 FCC Rcd at 26321-22, para. 37.

[110] *Id*.

[111] *See* New Mexico Commission Comments at 35; Oregon Commission Comments at 11; South Dakota Commission Comments at 4. *See generally* Appendices B, C, D, and E. We note that the Department of Justice expressed concerns about Qwest's ability to include Migrate-as-Specified in the next EDI software release, which is scheduled for April 7, 2003. Department of Justice Evaluation at 8 n.32. The Commission has not found that (continued….)

40. We disagree with WorldCom's allegation that Qwest's pre-order address validation query is unreliable. Specifically, WorldCom claims that if the telephone number that WorldCom enters is for a customer's second line, the address validation inquiry often will not return an address for that phone number and will reject the order.[112] The record shows that second lines are not linked to addresses in the PREMIS[113] database and, accordingly, competitive LECs should not be using PREMIS to retrieve a customer's address based on a customer's telephone number.[114] Qwest explains that customers should instead validate addresses in

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Migrate-as-Specified or TN Migration is necessary for checklist compliance. (TN migration means a carrier can place an order using only the customer's telephone number.)

[112] WorldCom Comments at 15; WorldCom Reply 6-7. Similarly, we reject WorldCom's arguments relating to rejects occurring due to PREMIS/CRIS mismatches. *See* WorldCom Reply at 7-8; Letter from Lori E. Wright, Associate Counsel, Federal Advocacy, WorldCom to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 3 (filed April 10, 2003) (WorldCom Apr. 10 *Ex Parte* Letter); Letter from Lori Wright, Associate Counsel – WorldCom and Marc A. Goldman – Jenner & Block, LLC, to Ms. Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 5-6 (filed March 24 2003) (WorldCom Mar. 24 *Ex Parte* Letter). As we found in the *Qwest 9-State Order*, both Qwest retail and wholesale customers are affected by database inconsistencies and these inconsistencies do not rise to the level of checklist noncompliance. *See Qwest 9-State Order*, 17 FCC Rcd at 26336-38, para. 56. We take additional comfort from evidence in the record that Qwest and WorldCom have already resolved several issues regarding database mismatches. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 Attach. A at 8-9 (filed April 3A 2003) (Qwest Apr. 3A *Ex Parte* Letter). We also reject WorldCom's argument that Qwest's problems with USOCs in Oregon are evidence of a systematic failure of Qwest's OSS. WorldCom Comments at 14-15; WorldCom Reply at 5-6. In support of the generalized claim of OSS failure, WorldCom recounts two incidents – one of which was resolved prior to the initial comment deadline. WorldCom Comments at 14-15; WorldCom Lichtenberg Decl. paras. 21-22. The other incident also has been resolved and affected only a small number of WorldCom orders. *See* Qwest Reply at 35-37. We find that these problems appear to be isolated incidents, and consistent with our 271 precedent, we find that such anecdotal evidence is not sufficient to warrant a finding of checklist noncompliance. *See, e.g., Application by Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Jersey*, WC Docket No. 02-67, Memorandum Opinion and Order, 17 FCC Rcd 12275, 12365-66, para. 184 (2002) (*Verizon New Jersey Order*). We also reject WorldCom's argument that Qwest's EDI documentation is inadequate because Qwest failed to provide WorldCom with "a table of valid class-of-service Universal Service Order Codes (USOCs) at the account level." WorldCom Mar. 24 *Ex Parte* Letter at 4-5. The record shows that competitive LECs are required to provide line level USOCs, not account level USOCs, when submitting LSRs. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 6. Furthermore, the record shows that Qwest directs competitive LECs to use the "USOC/FID Finder," which competitive LECs may access through Qwest's Wholesale Website, if a competitive LEC needs to identify a particular USOC. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 6. The USOC/FID Finder tool provides competitive LECs the ability to search by USOC or FID code, as well as by Product Family and obtain a list of USOCs associated with that product. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 6-7.

[113] PREMIS is the Qwest database that competitors use to determine if a customer's address matches the address in Qwest's OSS. PREMIS is used to create a list of validated addresses that can be used to generate other pre-ordering and ordering transactions.

[114] Qwest Reply at 38-39.

PREMIS by searching using the customer's address.[115] We find that this issue does not rise to the level of checklist noncompliance.

41. Based on the evidence in the record, we also conclude, as did the state commissions, that Qwest provides competitive LECs with access to loop qualification information in a manner consistent with the requirements of the *UNE Remand Order*.[116] Specifically, we find that Qwest provides competitors with access to all of the same detailed information about the loop that is available to itself and in substantially the same timeframe as any of its own personnel could obtain it.[117]

42. We reject AT&T's argument that Qwest denies competitive LECs necessary loop qualification information in Oregon.[118] AT&T states that Qwest's SGAT for Oregon, unlike the SGATs for New Mexico and South Dakota, does not contain Section 9.2.2.2.1.1 which gives competitive LECs the right to gain access to Qwest's outside plant facilities database, which includes information on the presence of copper feeder.[119] However, the record shows that Qwest has provided access to this database to competitive LECs even without the specific language in its SGAT.[120] Additionally, although we do not rely on it, the record shows that Qwest is in the process of amending its SGAT to include the language requested by AT&T.[121] Accordingly, we find that Qwest provides loop qualification information to competitive LECs in a nondiscriminatory manner.

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[115] Qwest Reply at 38-39. In order for a customer's order to be accepted into Qwest's system, the customer's address on the order must match exactly with the address as it appears in the PREMIS database. *Id*.

[116] *See* New Mexico Commission Comments at 35; Oregon Commission Comments at 11; South Dakota Commission Comments at 4. *See Qwest 9-State Order*, 17 FCC Rcd at 26340, para. 61 (2002); *UNE Remand Order*, 15 FCC Rcd 3696. The Commission's rules require Qwest to provide competitors all available information relevant to loop qualification in its databases or internal records, in the same time intervals that it is available to any Qwest personnel, regardless of whether Qwest retail personnel have access to such information. *UNE Remand Order*, 15 FCC Rcd at 3885-87, paras. 427-31. Qwest has exceeded the benchmark for unbundled loop qualification for both IMA-EDI and the IMA-GUI in each of the past 12 months in New Mexico, Oregon, and South Dakota. Qwest Williams Decl. at paras. 120-127.

[117] *See Verizon Massachusetts Order*, 16 FCC Rcd at 9016-17, para. 54. Qwest Notarianni/Doherty Decl. at paras. 93-135.

[118] AT&T Comments at 29-30; *see also* AT&T Reply at 13.

[119] AT&T Comments at 29.

[120] Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 2 (filed February 14C 2003) (Qwest Feb. 14C *Ex Parte* Letter). We further note that Qwest has made the option of obtaining information on the presence of copper feeder available to competitive LECs in Oregon and elsewhere since August 2001. Qwest Reply at 41. AT&T does not allege that it requested access to this information and was denied access by Qwest.

[121] Qwest Feb. 14C *Ex Parte* Letter at 2; Qwest Reply at 41.

c. Ordering

43. In this section, we address Qwest's ability to provide competing carriers with access to the OSS functions necessary for placing wholesale and retail orders. Based on the evidence in the record, we find, as did the state commissions, that Qwest demonstrates it provides nondiscriminatory access to its ordering systems.[122] Order flow-through is discussed in this section while other ordering issues related to documentation are discussed in change management, below.

44. The Commission has looked to order flow-through as a potential indicator of a wide range of problems that underlie a determination of whether a BOC provides nondiscriminatory access to its OSS.[123] Flow-through measures the percentage of orders that pass through an incumbent's ordering systems without the need for manual intervention. The Commission has not relied upon flow-through rates as the sole indicator of nondiscrimination, however, and thus has not limited its analysis of a BOC's ordering process to a review of its flow-through performance data.[124]

45. Although Qwest failed to reach benchmarks with respect to electronic flow-through metrics in Oregon and New Mexico,[125] we find that the misses are not competitively

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[122] Eschelon's claim that day-of-cut customer outages are not captured by performance metric OP-5 does not rise to the level of checklist non-compliance. Eschelon Comments at 2. As we found in the *Qwest 9-State Order*, disputes about the exact definitions of performance metrics are best addressed through the states and the LTPA process. *See Qwest 9-State Order*, 17 FCC Rcd at 26369, para. 105 n.392. We note Qwest's performance disparities for OP-5 (New Service Installation Quality, UNE-P) in Oregon. In Oregon, competitive LECs' New Service Installation Quality for UNE platform is 89.41% versus 93.58% for Qwest retail, on average, for September 2002 to January 2003. However, the record shows that competitive LEC performance under this metric is improving generally, and the difference in performance between competitive LECs and Qwest retail is diminishing. Therefore, we do not find these performance disparities to be competitively significant. Additionally, we note that Qwest has met the benchmark for this metric for 3 of the 5 months reviewed in this application. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 2 (filed March 14A 2003) (Qwest Mar. 14A *Ex Parte* Letter); Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 2 (filed March 6B 2003) (Qwest Mar. 6B *Ex Parte* Letter).

[123] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4035, para. 162.

[124] *See Qwest 9-State Order*, 17 FCC Rcd at 26369-70, para. 106.

[125] Qwest failed to reach and maintain benchmarks with respect to several electronic flow-through measures for several of the most recent months. However, as noted below, Qwest's performance misses are due to either low volumes or are not by significant percentages. For example, in New Mexico, Qwest missed the performance measurement PO-2B-1 (Electronic Flow-Through for all Eligible LSRs Received via GUI, LNP) with relatively low average total flow-through rates – ranging from 33% to 90% from October 2002 to January 2003. However, monthly competitive LEC volumes ranged from only 2-10 competitive LEC orders per month between October 2002 and January 2003. In September 2002, competitive LEC volume was 0. However, in Colorado, with greater competitive LEC volumes, Qwest met performance measurement PO-2B-1 (Electronic Flow-Through for all Eligible LSRs Received via GUI, LNP) with an average flow-through rate of 96.67% from September 2002 to January 2003. In Oregon, Qwest missed the performance measurement PO-2B-2 (Electronic Flow-Through for all (continued….)

significant because they either reflect isolated cases, low competitor volumes, or a narrow margin for the miss.[126] As the Commission has previously determined, low competitor order volumes can cause seemingly large variations in the monthly performance data.[127] Furthermore, Qwest states that the results of the KPMG test (where Qwest achieved 100% flow-through rates for LNP LSRs) show that Qwest is capable of adequate flow-through.[128] Accordingly, we do not find that these misses rise to the level of checklist noncompliance.

d. Maintenance and Repair

46. Based on the evidence in the record, we conclude, as did the state commissions, that Qwest provides nondiscriminatory access to its maintenance and repair OSS functions.[129]

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Eligible LSRs Received via EDI, LNP) with flow-through rates ranging from 60% to 89% from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 6-19 for this measure. In New Mexico, Qwest missed the performance measurement PO-2B-2 (Electronic Flow-Through for all Eligible LSRs Received via EDI, LNP) with flow-through rates ranging from 0% to 50% from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 2-6 for this measure. However, in Colorado, with greater competitive LEC volumes, Qwest met performance measurement PO-2B-2 (Electronic Flow-Through for all Eligible LSRs Received via EDI, LNP) with an average flow-through rate of 96.99% from September 2002 to January 2003. In Oregon, Qwest missed the performance measurement PO-2B-1 (Electronic Flow-Through for all Eligible LSRs Received via GUI, LNP) with flow-through rates ranging from 91% to 97% from September 2002 to January 2003. However, in Colorado, with greater competitive LEC volumes, Qwest met performance measurement PO-2B-1 (Electronic Flow-Through for all Eligible LSRs Received via GUI, LNP) with an average flow-through rate of 96.67% from September 2002 to January 2003. In Oregon, Qwest missed the performance measurement PO-2B-1 (Electronic Flow-Through for all Eligible LSRs Received via GUI, POTS Resale) with flow-through rates ranging from 89% to 94% from October 2002 to January 2003. Thus, Qwest only missed the 95% benchmark by 1% to 6%. Qwest Application App. A, Tab 33, Declaration of Michael G. Williams (Qwest Williams Decl.), paras. 227-228. In Oregon, Qwest missed the performance measurement PO-2B-1 (Electronic Flow-Through for all Eligible LSRs Received via GUI, UNE-P POTS) with flow-through rates ranging from 73% to 92% from September 2002 to January 2003. We note that Qwest only missed the September benchmark by less than 3%. Qwest Williams Decl., para. 233. In addition, while Qwest missed the overall benchmark in November, Qwest met the benchmark for three different competitive LECs that submitted nearly 200 UNE-P LSRs via IMA-GUI during November. Qwest Williams Decl., para. 233.

[126] *See generally* Appendices B, C, D, and E. Furthermore, Qwest's performance on these flow-through metrics is in the range we approved in the *Qwest 9-State Order*. *See Qwest 9-State Order*, 17 FCC Rcd at 26369-70, para. 106. We reject WorldCom's generalized complaints regarding Qwest's failure to meet regionwide Electronic Flow-Through performance metrics. *See* WorldCom Comments at 18; WorldCom Comments App. Declaration of Sherry Lichtenberg, para. 1 (WorldCom Lichtenberg Decl.). We do not find WorldCom's complaints competitively significant given the absence of any evidence documenting manual handling deficiencies in the application states.

[127] *See Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana,* CC Docket No. 02-35, Memorandum Opinion and Order, 17 FCC Rcd 9018, 9090, para. 140 n.494 (2002) (*BellSouth Georgia/Louisiana Order*).

[128] Qwest Williams Decl. at paras. 221-223.

[129] *See, e.g.,* New Mexico Commission Comments at 35-36 (recommending that the Commission find that Qwest has demonstrated it provides nondiscriminatory access to OSS in New Mexico, but not specifically addressing maintenance and repair); Oregon Commission Comments at 11-12, 17 (recommending that the Commission approve (continued….)

We find that Qwest has "deployed the necessary interfaces, systems, and personnel to enable requesting carriers to access the same maintenance and repair functions" that Qwest provides itself.[130] Competing carriers have access to these functions in substantially the same time and manner as Qwest's retail operations, and with an equivalent level of quality.[131] Qwest demonstrates that competitive LECs have equivalent access to the same information as Qwest's retail representatives and the same access to maintenance and repair functionality as Qwest's retail operations.[132] Below, we briefly discuss how the commercial data and the findings of KPMG's third-party test demonstrate that Qwest's systems are functional and provide service to competitive LECs in a nondiscriminatory manner.

47. *Commercial Data*. We conclude that the commercial data demonstrate that Qwest addresses trouble complaints for competing carriers in substantially the same time and manner that it addresses complaints from its own retail customers.[133] We base our conclusion on the fact that, from September 2002 to January 2003, Qwest missed few parity performance measures.[134] Although there are minor problems with some of Qwest's trouble rate[135] metrics in Oregon and South Dakota, these are not significant enough to detract from our conclusion that

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Qwest's application in Oregon, but not specifically addressing maintenance and repair); South Dakota Commission Comments at 5-6, 16 (recommending that the Commission find that Qwest has met the 14-point checklist, but not specifically addressing maintenance and repair). We reject Eschelon's argument that Qwest has an unreasonably high and rising level of major network outages. Eschelon charges that competitors are adversely affected by these outages, while Qwest often is not likewise affected by the same outages. *See* Eschelon Reply Comments at 4. Qwest responds that none of the troubles identified by Eschelon occurred in the three application states. *See* Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 4 (filed March 14B, 2003) (Qwest Mar. 14B *Ex Parte* Letter). Accordingly, we find that Eschelon's comments are not applicable to the states under consideration in this proceeding.

[130] *Bell Atlantic New York Order*, 15 FCC Rcd at 4067, para. 211.

[131] *Id.* at 4067, para. 211.

[132] *See Id.* at 4069-70, para. 215. We reject any claims that Qwest must provide an application-to-application maintenance and repair interface. The Commission raised concerns in the *BellSouth Second Louisiana Order* about the importance of integrating maintenance and repair databases. *BellSouth Second Louisiana Order*, 13 FCC Rcd at 20694-96, paras. 149-52. More recently, however, the Commission found that "a BOC is not required, for the purpose of satisfying checklist item 2, to implement an application-to-application interface for maintenance and repair functions – provided it demonstrates that it provides equivalent access to its maintenance and repair functions in another manner." *Bell Atlantic New York Order*, 15 FCC Rcd at 4068, para. 215; *SWBT Texas Order*, 15 FCC Rcd at 18458 n.565.

[133] *Bell Atlantic New York Order*, 15 FCC Rcd at 4072, paras. 220-22.

[134] Qwest's overall performance in promptly clearing out-of-service orders, clearing troubles in a timely fashion, responding to customer calls on a timely basis, restoring service, and meeting repair appointments indicates that Qwest performs these functions in substantially the same time and manner for both competitive LECs and Qwest's retail customers. *See generally* Appendices B, C, D, and E.

[135] MR-8 (Trouble Rate).

Qwest provides nondiscriminatory OSS access. For example, from September 2002 to January 2003, Qwest missed parity all five months for its UNE-platform Centrex Trouble Rate in Oregon[136] and South Dakota.[137] However, the five-month average trouble rates for competitive LECs in both states were not competitively significant,[138] particularly given Qwest's generally good performance in repair measurements.[139] Although in Oregon Qwest achieved parity in only one of the five months for its DS1 Trouble rate,[140] Qwest's performance has improved over time,[141] particularly when the no trouble found ("NTF") trouble reports are excluded from the calculations.[142] Furthermore, competitive LECs' monthly volumes for this metric were relatively low.[143] Qwest's failure to reach parity in Oregon in any of the five months for its ISDN Primary Trouble Rate[144] is offset by the fact that all five months were at 1.10% or less for competitive

[136] MR-8 (Trouble Rate, UNE-P Centrex) (missed parity Sept., Oct., Nov., Dec., 2002, and Jan., 2003). In Oregon, competitive LECs' trouble rate for UNE-P Centrex was 0.65% versus 0.30% for Qwest, on average, from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 7,853 to 16,274 for this measure. *See* Letter from C. Jeffrey Tibbels, Esq., Hogan & Hartson, L.L.P., to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11, Attach. (filed February 28C, 2003) (Qwest Feb. 28C *Ex Parte* Letter).

[137] MR-8 (Trouble Rate, UNE-P Centrex) (missed parity Sept., Oct., Nov., Dec., 2002, and Jan., 2003). In South Dakota, competitive LECs' trouble rate for UNE-P Centrex was 0.53% versus 0.15% for Qwest, on average, from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 8,049 to 10,868 for this measure. *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

[138] The five-month average trouble rates for competitive LECs in both Oregon and South Dakota were under 1%. *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

[139] *See* Qwest Application App. A, Tab 33, Declaration of Michael G. Williams, paras. 345, 352 (Qwest Williams Decl.).

[140] MR-8 (Trouble Rate, DS1) (missed parity Sept., Oct., Nov., and Dec., 2002). In Oregon, competitive LECs' trouble rate for DS1 was 4.46% versus 1.23% for Qwest, on average, from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 159 to 180 for this measure. *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

[141] Competitive LECs' trouble rate for DS1 went from 5.66% in September 2002 (versus 1.44% for Qwest) to 4.00% in December 2002 (versus 1.14% for Qwest) and 1.11% in January 2003 (versus 1.28% for Qwest). *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

[142] When the NTF trouble reports are excluded from the calculations, competitive LECs' trouble rate for DS1 went from 5.66% in September 2002 (versus 0.94% for Qwest) to 2.29% in December 2002 (versus 0.79% for Qwest). *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

[143] Monthly competitive LEC volumes for the DS1 trouble rate ranged from 159 to 180 versus 26,610 to 26,978 for Qwest. *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

[144] MR-8 (Trouble Rate, ISDN primary) (missed parity Sept., Oct., Nov., Dec., 2002, and Jan., 2003). In Oregon, competitive LECs' trouble rate for ISDN primary was 0.58% versus 0.02% for Qwest, on average, from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 547 to 641 for this measure. *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

LECs,[145] and a comparison of wholesale and retail results averaged a difference of only 0.56%.[146] Finally, although Qwest achieved parity only in December in Oregon for its Business Trouble Rate,[147] the five-month average wholesale trouble rate was 0.87%--only 0.20% higher than the retail trouble rate.[148] We find such disparity to be competitively insignificant.

48. We also note that the record reflects only one competitor complaint regarding Qwest's maintenance and repair performance.[149] We reject WorldCom's assertion that Qwest's failure to meet some performance metrics on a regionwide basis, including some related to maintenance and repair, means that Qwest's OSS is not ready to support meaningful competition at commercial volumes.[150] Most of the regionwide maintenance and repair metrics that WorldCom cites are not problems in the three application states.[151] To the extent performance disparities exist in the application states, we have discussed these above.[152]

49. *Third Party Test.* The results of the Third Party Test demonstrate that Qwest is capable of providing competing LECs with maintenance and repair services in a nondiscriminatory manner.[153] As we discussed in the *Qwest 9-State Order*,[154] although KPMG

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145 *See* Qwest Feb. 28C *Ex Parte* Letter, Attach. *See also* Qwest Williams Decl., para. 377.

146 *See* Qwest Feb. 28C *Ex Parte* Letter, Attach. *See also* Qwest Williams Decl., para. 459.

147 MR-8 (Trouble Rate, Business) (missed parity Sept., Oct., Nov., 2002, and Jan., 2003). In Oregon, competitive LECs' trouble rate for Business was 0.87% versus 0.67% for Qwest, on average, from September 2002 to January 2003. Monthly competitive LEC volumes ranged from 8,310 to 11,019 for this measure. *See* Qwest Feb. 28C *Ex Parte* Letter, Attach.

148 *See* Qwest Feb. 28C *Ex Parte* Letter, Attach. *See also* Qwest Williams Decl., para. 459.

149 *See* WorldCom Comments at 18.

150 WorldCom Comments App. Declaration of Sherry Lichtenberg, para. 32, Attach., MR-3C (Out of Service Cleared w/in 24 hours, N/D, Line sharing), MR-4A (All Troubles Cleared w/in 48 hours, D w/in MSAs, Line Sharing), MR-4C (All Troubles Cleared w/in 48 hours, N/D, Line Sharing), MR-5A (All Troubles Cleared w/in 4 hours, Interval Zone One, Unbundled Loop DS1 Capable), MR-6A (Mean Time to Restore, D w/in MSAs, Line Sharing), MR-6C (Mean Time to Restore, N/D, Line Sharing), MR-6D (Mean Time to Restore, Interval Zone One, Unbundled Loop, DS1 Capable), MR-7A (Repair Repeat Report Rate, D w/in MSAs, UNE-P (POTS)), MR-7C (Repair Repeat Report Rate, N/D, UNE-P (POTS)), MR-8 (Trouble Rate, UNE-P (Centrex)), MR-8 (Trouble Rate, Line Sharing), MR-8 (Trouble Rate, UDIT Above DS1 Level), MR-8 (Trouble Rate, Unbundled Loop, DS1 Capable), MR-8 (Trouble Rate, Unbundled Loop, ISDN Capable), MR-8 (Trouble Rate, Unbundled Loop, E911).

151 *See generally* Appendices B, C, D, and E. *See also* Qwest Reply at 41-42 (arguing that regionwide performance results cannot overcome the fact that Qwest satisfies the performance measures in the three application states). *See also* Qwest Reply at 42-44, App. Tab 3, Reply Declaration of Michael G. Williams, paras. 5-11 (arguing that the regionwide metrics issues WorldCom singles out do not equate to competitively significant differences).

152 The metric WorldCom cites that was a problem in Oregon and South Dakota is the UNE-platform Centrex Trouble Rate. *See* paragraph 47, *supra*.

153 *Qwest 9-State Order*, 17 FCC Rcd at 26397-98, para. 155.

identified some issues with Qwest's trouble reporting process during its regionwide review, none of these issues is competitively significant.

e. Billing

50. Based on the evidence in the record, we find, as did the state commissions, that Qwest provides nondiscriminatory access to its billing functions. The Commission has established in past section 271 orders that, as a part of its OSS showing, a BOC must demonstrate that competing carriers have nondiscriminatory access to its billing systems.[155] In particular, BOCs must provide two essential billing functions: (1) complete, accurate, and timely reports on the service usage of competing carriers' customers; and (2) compete, accurate, and timely wholesale bills.[156] Wholesale bills are issued by incumbent LECs to collect compensation for competitive LEC wholesale inputs, such as unbundled network elements used by competitive LECs to provide service to their end users.[157] These bills are usually generated on a monthly basis, and allow competitors to monitor the costs of providing service.[158] Based on the evidence in the record, we find, as did the state commissions, that Qwest provides nondiscriminatory access to its billing systems.[159] We find that Qwest complies with its obligation to provide complete, accurate, and timely bills and that Qwest's performance on the relevant measurements satisfies the parity or benchmark standards, with few exceptions.[160]

51. We reject WorldCom's allegations that the codes used by Qwest to identify services in the Daily Usage Feeds ("DUF") are incomplete and inaccurate. Specifically, WorldCom alleges that Qwest either includes too much information, too little information, or

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154 *Qwest 9-State Order*, 17 FCC Rcd at 26397-99, paras. 155-57.

155 *See Verizon New Jersey Order*, 17 FCC Rcd at 12333, para. 121.

156 *Id*.

157 *Id*.

158 *Id*.

159 *See* New Mexico Commission Comments at 35; Oregon Commission Comments at 11; South Dakota Commission Comments at 4.

160 We note Qwest's performance disparities for BI-3A (Adjustments for Errors, UNEs and Resale) in Oregon. In Oregon, competitive LECs' billing accuracy for BI-3A is 84.23% versus 99.18% for Qwest retail, on average, from September 2002 thru January 2003. However, BI-3A reflects credits for billing disputes which may have occurred in months outside of the application period. Because of this mismatch between the month that the credit occurred and the month that is being billed for, we have previously relied on other billing metrics, if available. *See Qwest 9-State Order*, 17 FCC Rcd at 26382, para. 126 n.470 and n.471. Qwest's performance is excellent under BI-5A and BI-5B - billing metrics which were adopted subsequent to the *Qwest 9-State Order* and are patterned after the performance metrics adopted by Verizon subsequent to the billing problems noted in our *Verizon Pennsylvania Order*. We also note that Eschelon alleges Qwest's billing accuracy deteriorated in 2002, but Eschelon only produces evidence of billing disputes in Utah, which is not an application state. Eschelon Reply Ex. 47 at 4. Without specific evidence of billing problems in the application states, we do not find that these allegations warrant a finding of checklist noncompliance.

misclassifies the services in the DUF.[161] However, the record shows that Qwest is meeting industry standards for DUF information.[162] Additionally, the record shows that when information is missing, the information was not recorded by the switch – which occurs in rare situations for both the competing LECs as well as for Qwest.[163] Given that the DUF conforms to industry guidelines and the information is provided in a nondiscriminatory manner, we do not find that the problems alleged by WorldCom rise to the level of checklist noncompliance.

52. We reject Eschelon's argument that Qwest charged Eschelon incorrectly for DS1 capable loops because the charges do not reflect the price reductions and modifications that Qwest voluntarily made effective January 22, 2003.[164] The record shows that Qwest did implement these voluntary reductions and competitive LECs were back-credited the difference in rates to the effective date.[165]

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[161] First, WorldCom argues that Qwest uses different codes for different "pay per use" services, which makes it difficult for WorldCom to bill these services. WorldCom Reply at 11; WorldCom Mar. 24 *Ex Parte* Letter at 10-11. Second, Qwest sometimes transmits a rate for "pay per use" calls, which WorldCom's systems are not designed to capture, as this information is not needed by WorldCom. WorldCom Reply at 12. Third, WorldCom alleges that the DUF does not always include the "bill to" number. *Id*. Finally, WorldCom alleges that directory assistance completed calls (DACC) are erroneously marked as collect calls. *Id*. WorldCom has not indicated, however, that the DACC issue has emerged in any of the Application states. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 15; WorldCom Mar. 24 *Ex Parte* Letter at 10-11. *See also* WorldCom Apr. 10 *Ex Parte* Letter at 6 (stating that competitive LECs receive from Qwest incorrectly formatted records for long duration calls); *but see* Letter from Melissa Newman, Vice President – Federal Regulatory, Qwest to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 2 (filed April 11A, 2003) (Qwest Apr. 11A *Ex Parte* Letter) (stating that less than 0.02% of all WorldCom records were affected by this issue).

[162] Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 10A 2003) (Qwest Mar. 10A *Ex Parte* Letter); *see also* Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 14-15. Furthermore, the record indicates that Qwest is providing competitive LECs the necessary rate class information and adequate information regarding its "I CALLED" feature. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 16-17.

[163] Qwest Mar. 10A *Ex Parte* Letter at 2.

[164] Eschelon Reply at 3.

[165] *See* Qwest Mar. 14B *Ex Parte* Letter at 3. "[P]rior to February 10, 2003, competitive LECs were charged $579.75 for DS1-capable loops with or without testing. After February 10, 2003, these same loops were priced at $320.41 for DS1-capable loops with testing and $124.67 for such loops without testing." *Id.* The record shows that non-recurring charges for DS1 installation in Oregon were changed effective January 22, 2003. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (filed Apr. 3B 2003) (Qwest Apr. 3B *Ex Parte* Letter). The record also shows that the new rates were implemented in the CRIS billing system on February 10, 2003. *Id*. Competitive LECs were notified that orders generated between January 22nd and February 10th would be back-credited the difference between the two rates. *Id*. The calculations for the appropriate back-billing were completed on April 2, 2003 and will appear on the April bill. Qwest Apr. 3B *Ex Parte* Letter at 1.

53. WorldCom alleges for the first time on March 24, 2003 that Qwest rejects orders for end-users with dial-up access to certain ISPs.[166] We conclude that this issue only relates to an insignificant number of WorldCom orders in Qwest's entire region. We do not find this to be competitively significant in the states that are the subject of this application.[167] Moreover, while we do not rely on it, we note that, as of March 13, 2003, Qwest notified competitive LECs that it had revised its processes to not reject conversions for customers of the ISP regardless of any unique billing arrangement.[168]

f. Change Management

54. As the Commission stated in the *Qwest 9-State Order*, the Commission reviews the BOC's change management procedures to determine whether these procedures afford an efficient competitor a meaningful opportunity to compete by providing sufficient access to the BOC's OSS.[169] Based on the evidence in the record, we conclude that Qwest provides an efficient competitor a meaningful opportunity to compete by providing sufficient access to its OSS.

55. We reject WorldCom's and Eschelon's argument that Qwest provides such poor documentation to competitors about its systems that it must fail checklist item 2.[170] Specifically, WorldCom argues that Qwest has rejected WorldCom orders because Qwest's flawed

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166 WorldCom Mar. 24 *Ex Parte* Letter at 11-12. WorldCom states that it first learned of this issue when another competitive LEC filed a complaint in Minnesota in late February. *Id*. at 11.

167 Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 17 (stating that the number of accounts affected does not represent a significant percentage of WorldCom's conversions); Qwest Apr. 3A *Ex Parte* Attach. A14 at 1 (*citing confidential version*).

168 Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 17.

169 *See Qwest 9-State Order*, 17 FCC Rcd at 26384-26385, para. 132 (2002).

170 WorldCom Comments at 17-18; WorldCom Reply at 2-5; WorldCom Apr. 10 *Ex Parte* Letter at 2 n.1; WorldCom Mar. 24 *Ex Parte* Letter at 1-11. Eschelon states that it is in the process of implementing EDI and agrees with the concerns expressed by WorldCom. Eschelon Reply at 4. However, Eschelon does not provide specific examples of problems implementing EDI in the application states. *See* Qwest Mar. 14B *Ex Parte* Letter at 3. Additionally, in its Reply Comments, Eschelon complained that on January 21, 2003, when Eschelon provisioners attempted to order loops using the normal process, Eschelon encountered an unanticipated up-front edit that stopped the orders from going through. Eschelon Reply at 3. The record indicates that as a result of a problem related to Qwest's January 18, 2003 IMA Release 11.1, Eschelon and three other competitive LECs were not able to submit LSRs via IMA for DS-1 Capable loops for three weeks. Eschelon Reply at 3; Qwest Mar. 14B *Ex Parte* Letter at 2. In response, Qwest advised Eschelon and the three other affected competitive LECs to submit orders for DS-1 Capable Loops via facsimile between January 18 and February 7, 2003. Qwest Mar. 14B *Ex Parte* Letter at 2. During this period, Eschelon generated 10 LSRs for DS-1 Capable loops. Qwest Mar. 14B *Ex Parte* Letter at 2. The record indicates that Qwest implemented a fix which allowed Eschelon and the other competitive LECs to submit LSRs via IMA for DS1-capable loops beginning on February 10, 2003. Qwest Mar. 14B *Ex Parte* Letter at 2.

documentation left WorldCom unable to obtain the feature information it needs to place orders.[171] We find that the record shows that other competitive LECs have been able to successfully develop an EDI interface for ordering UNE-platform and resale POTS orders using Qwest's documentation and technical assistance.[172] First, the record shows that 8 competitive LECs have certified and used their EDI interfaces to provide either UNE-platform or resale POTS orders, both of which products would typically include feature detail in the orders.[173] Second, AT&T conducted a trial for UNE-platform orders in Minnesota in 2001 which showed manual reject rates (PO-4B-1) of 3.80% and auto reject rates (PO-4B-2) of 0.47% during Phase I of the trial.[174] Third, the record shows that HP (the pseudo-competitive LEC) was able to successfully develop an EDI interface during the KPMG test.[175] We note that problems such as those raised by WorldCom are consistent with those competitive LECs encounter when building a new system. In addition, Qwest has worked to assist WorldCom with its efforts to develop and test its EDI interfaces for UNE-platform POTS and other products by, for example, conducting weekly EDI

[171] WorldCom Comments at 9-11; WorldCom Reply at 2-4; WorldCom Mar. 24 *Ex Parte* Letter at 2-4. WorldCom contends that between February 1, 2003 and March 21, 2003, 72% of its orders rejected and 64% of those rejects were related to feature activity. Letter from Lori Wright, Associate Counsel – WorldCom, to Ms. Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (filed April 1, 2003) (WorldCom Apr. 1 *Ex Parte* Letter). The record shows that WorldCom's order reject rate improved to 53% for the week beginning March 22, 2003. WorldCom Apr. 1 *Ex Parte* Letter at 1-2; *see also* WorldCom Apr. 10 *Ex Parte* Letter (later reporting decreasing rate for rejects related to feature activity). As noted below, when WorldCom modified its software to fix this problem its reject rate related to feature activity declined to 12%. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 2 (filed April 8C, 2003) (Qwest Apr. 8C *Ex Parte* Letter); *see also* Letter from Donna Sorgi, Vice President – Federal Advocacy, WorldCom, to Ms. Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1-2 (filed April 2, 2003) (WorldCom Apr. 2 *Ex Parte* Letter).

[172] *See* Qwest Apr. 3A *Ex Parte* Letter at 2. *See also* Qwest Apr. 11A *Ex Parte* Letter at 1 n.2; Letter from Melissa Newman, Vice President – Federal Regulatory, Qwest to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 and Att. A (filed April 14A, 2003) (stating that a UNE-P competitive LEC, New Access, has acknowledged that it is able to submit residential orders via EDI without converting or modifying the data it receives during the pre-order process and was able to develop its EDI interface on its own using Qwest's documentation). *But see* WorldCom Apr. 10 *Ex Parte* Letter at 4.

[173] Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 1.

[174] Qwest Apr. 8C *Ex Parte* Letter at 2 & Attach. A – Exhibit JFF-UNE-P-3 at 1; Letter from Melissa E. Newman, Vice President-Federal Regulatory, Qwest to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed April 11, 2003) (Qwest Apr. 11B *Ex Parte* Letter); *but see* Letter from Richard E. Young, Counsel for AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed April 10, 2003) (AT&T Apr. 8 *Ex Parte* Letter); Letter from Richard E. Young, Counsel for AT&T to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed April 11, 2003) (AT&T Apr. 11 *Ex Parte* Letter).

[175] Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 5.

implementation meetings between Qwest staff and WorldCom staff to resolve questions raised by WorldCom.[176]

56. We note that some of these issues were raised by AT&T during the first Qwest section 271 application, such as the organization of feature information on the CSR for multi-line accounts, and therefore, WorldCom should have been aware of the unique aspects of Qwest's EDI as it was developing its own EDI interface.[177] Thus, we do not find that the problems discussed below indicate that Qwest's documentation is so flawed as to pose a barrier to competitive entry. Moreover, the record shows that Qwest's documentation was reviewed during the KPMG test and 31 competitive LECs have successfully used Qwest's documentation on a commercial basis to develop their EDI interfaces.[178] Furthermore, the Commission, in the *Qwest 9-State Order*, approved the same EDI at issue in this application, concluding that "Qwest provides sufficient documentation to allow competitive LECs to design their OSS interfaces."[179]

57. With regard to WorldCom's allegation that Qwest has refused to announce its documentation problems to other competitive LECs, the record shows that Qwest's change management procedures include disclosure of trouble found in production to other affected competitive LECs.[180] In the following paragraphs, we examine in detail WorldCom's specific claims regarding (1) order rejects resulting from WorldCom's inability to obtain the feature information it needs from Qwest's CSRs to place orders, (2) order rejects resulting from incomplete address information on Qwest's CSRs, and (3) problems relating to CSRs that have not been updated accurately.

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[176] Qwest Apr. 3A *Ex Parte* Letter at 3-4. We therefore reject WorldCom's arguments that Qwest's interfaces necessitate a process of "coding by reject." WorldCom Apr. 2 *Ex Parte* Letter at 2. The record shows that Qwest has made itself available to competitive LECs through its production support process and by providing other post-production technical assistance to WorldCom and other competitive LECs that are in production. Qwest Apr. 3A *Ex Parte* Letter at 3-4. In addition, many of the problems of which WorldCom complains now may have been encountered and resolved during a full Controlled Production phase. Qwest Mar. 20A *Ex Parte* Letter. *But see* Letter from Donna Sorgi, Vice President – Federal Advocacy, WorldCom, to Ms. Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at n.1 & Attach. (filed March 27, 2003) (WorldCom Mar. 27 *Ex Parte* Letter) (showing that Qwest certified that WorldCom's testing was sufficient and was complete); Qwest Apr. 3A *Ex Parte* Letter, Attach. A6 at 1 (*citing confidential version*) (Qwest's response). Qwest (and other BOCs) generally require competitive LECs to undergo a test period before launching their interface with the BOC. In this case, WorldCom requested and received authorization for a limited test period. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (filed March 20A 2003) (Qwest Mar. 20A *Ex Parte* Letter).

[177] *See* AT&T Qwest I Reply filed in the Qwest I docket, WC Docket No. 02-148 at 25-26; *see also Qwest 9-State Order*, 17 FCC Rcd at 26335 para. 54.

[178] Qwest Feb. 14C *Ex Parte* Letter at 1.

[179] *See Qwest 9-State Order*, 17 FCC Rcd at 26391-92, para. 144; Qwest Reply at 25.

[180] Qwest Reply at 29. Additionally, although we do not rely on it, the record shows that WorldCom's change request that Qwest adopt a single source of EDI documentation is currently being addressed through the change management process. Qwest Reply at 29.

58. *Feature Information on Customer Service Records*. We reject WorldCom's arguments that (1) undocumented differences between single and multiple line accounts[181] and (2) out-of-sequence feature detail on multi-line CSRs[182] pose a barrier to competitive entry in the application states. Furthermore, we reject WorldCom's argument that Qwest's failure to provide on many CSRs area codes for "forward to" numbers that competitive LECs need to order call forwarding led to a high reject rate for WorldCom's orders.[183] Specifically, WorldCom argues that Qwest fails to include area codes for "forward to" numbers on the CSR, which are necessary to prevent WorldCom's order from being rejected.[184] However, the record shows that an order will not be rejected if competitive LECs use the customer's area code as the area code for the "forward to" number.[185] We take additional comfort from Qwest's statements in the record that it is addressing this issue through its change management process.[186] Thus, we do not find the absence of the area code for "forward to" numbers on the CSR to be competitively significant.

59. *Rejects Related to Addresses.* We reject WorldCom's argument that Qwest should not require competitive LECs to provide Customer Address Location Area ("CALA")[187]

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[181] WorldCom argues that Qwest's documentation states that the telephone number (TN) is located immediately following the USOC and that WorldCom programmed its systems only to retrieve features (through its USOC) that are immediately followed by a TN. WorldCom Mar. 24 *Ex Parte* Letter at 2-4. However, Qwest states that the TN field immediately following the USOC is clearly labeled an "optional" field in the EDI documentation, meaning that a feature may appear on the CSR without the TN. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 4.

[182] We reject WorldCom's argument that Qwest fails to disclose that Qwest's CSRs for multi-line accounts are formatted out-of-sequence, meaning that features are not grouped by TN on the CSR. WorldCom Mar. 24 *Ex Parte* Letter at 3-4. The record shows that the grouping of features on the CSR is a result of the way CSRs exist in Qwest's legacy systems. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 5. We note that the issue of the grouping of information in the CSR was addressed in the *Qwest-9 State Order*, and the Commission found that the grouping of feature information in the CSR did not prevent competitive LECs from accessing Qwest's OSS in the same time and manner as Qwest's retail operations. *See Qwest 9-State Order*, 17 FCC Rcd at 26335, para. 54; *see also* Department of Justice Evaluation filed in the Qwest II docket, WC Docket No. 02-189 at 11 & n.46. Moreover, although we do not rely on it, we note that a change request to enhance EDI to provide a CSR with TN orientation was introduced by AT&T on Feb. 27, 2003, and this change request has been scheduled for prioritization for possible inclusion in IMA release 14.0. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 5.

[183] WorldCom Comments at 12-14; WorldCom Reply at 5; WorldCom Mar. 24 *Ex Parte* Letter at 4.

[184] WorldCom Comments at 12.

[185] Additionally, Qwest notified WorldCom of this workaround when responding to WorldCom's change management request and notified other competitive LECs through an industry letter dated March 3, 2003. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 7B 2003) (Qwest Mar. 7B *Ex Parte* Letter).

[186] Qwest Feb. 14C *Ex Parte* Letter at 2; WorldCom Reply at 34.

[187] CALAs are geographic regions, used by Qwest systems, which may not be coextensive with the geographic area covered by a zip code. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 8. The record shows that Qwest requires competitive LECs to specify the CALA code instead of the zip code when submitting LSRs under certain circumstances. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 8. CALA codes are required when the zip code is not provided on the LSR or a zip code crosses multiple CALAs. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 8.

codes and that Qwest's documentation regarding the use of these codes has caused confusion for WorldCom and other competitive LECs.[188] Qwest's EDI documentation adequately explains to competitive LECs when CALA codes are required.[189] Information regarding CALA code requirements appears in the IMA Disclosure Document and in the PCAT.[190] We therefore find that the issues related to address rejects do not rise to the level of checklist noncompliance.

60. *Problems Relating to CSR Updates*. We reject WorldCom's argument that Qwest does not update CSRs in an accurate manner.[191] Specifically, WorldCom argues that it found CSRs with blocking options or features that WorldCom did not order, inaccurately updated billing addresses, line status improperly updated, and the service establishment date improperly updated.[192] The record shows that Qwest does accurately update CSRs.[193]

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[188] WorldCom Apr. 10 *Ex Parte* Letter at 3; WorldCom Mar. 24 *Ex Parte* Letter at 5.

[189] Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 7-8. *See also Qwest 9-State Order*, 17 FCC Rcd at 26335, para. 54 ("The standard for integration is not that a competitor must be able to integrate the system that it uses in another BOC region with the applicant's system; rather, only that competitors have access to a BOC's OSS in substantially the same time and manner as the BOC provides to its retail operations.").

[190] Qwest Apr. 3A *Ex Parte* Attach. A at 8 n.42. *See also* n.112 *supra* for discussion of other address-related issues.

[191] WorldCom Comments at 16-17; WorldCom Reply at 14-15; WorldCom Mar. 24 *Ex Parte* Letter at 6-8.

[192] WorldCom Reply at 14-15; WorldCom Mar. 24 *Ex Parte* Letter at 6-8; WorldCom Apr. 10 *Ex Parte* Letter at 5.

[193] Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 11A 2003) (Qwest Mar. 11A *Ex Parte* Letter); Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 10-12. First, regarding WorldCom's complaint that 17 of the 83 CSRs it examined contained blocking options or features WorldCom did not order, we find that Qwest meets the requirement to provide competitive LECs with access to OSS in the "same time and manner" for analogous functions. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 10. The record shows that those 17 CSRs were updated properly and that certain blocking options were still on those CSRs because they were not properly removed by WorldCom. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 10. Even though WorldCom's requests to remove or order blocking options are processed manually, WorldCom has not demonstrated that this process is discriminatory. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 10. Although we do not rely on it, we take additional comfort that a pending change request, originated by AT&T, will enable competitive LECs to create an end state for adding and/or removing blocking options. Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 10. This change request is scheduled for prioritization for possible inclusion in IMA release 14.0. Qwest Apr. 3A *Ex Parte* Letter, Attach. A. at 10-11. Second, the fact that certain WorldCom CSRs contain end user, not WorldCom, address information is irrelevant because the address on the CSR does not affect where bills are sent. Qwest Mar. 11A *Ex Parte* Letter at 2. Third, Qwest does update the line status field where the line status field exists on the CSR. Qwest Mar. 11A *Ex Parte* Letter at 2; Qwest Apr. 3A *Ex Parte* Letter, Attach. A. at 11. The line status field, however, is not currently provided on UNE-P accounts in the Eastern region. Qwest Apr. 3A *Ex Parte* Letter, Attach. A. at 11. Fourth, the fact that all WorldCom CSRs do not contain service establishment dates is also irrelevant. The record shows that Qwest investigated the CSRs identified by WorldCom in its Reply and found that all active CSRs had service establishment dates, either at the account level or at the telephone number level. Qwest Mar. 11A *Ex Parte* Letter at 2. The only examples of CSRs without service establishment dates were for post-conversion retail accounts that had reached final status. Qwest Mar. 11A *Ex Parte* Letter at 2.

61. We reject WorldCom's argument that Qwest does not update CSRs in a timely manner. WorldCom argues that until Qwest updates a competitive LEC customer's CSR, WorldCom is unable to make changes to that customer's account.[194] As we found in the *Qwest 9-State Order*, we find that Qwest updates CSRs in a nondiscriminatory manner.[195] The record shows that Qwest uses very similar processes as competitive LECs to submit subsequent orders before the CSR has been updated.[196] Furthermore, Qwest has submitted evidence of subsequent LSRs submitted by 7 different competitive LECs via EDI and GUI.[197] Additionally, although we do not rely on it, the record shows that Qwest expects to implement, on April 7, 2003, an additional system capability in EDI version 12.0 to simplify the process for submitting subsequent LSRs for orders where the CSR has yet to be updated. Since Qwest updates CSRs for itself within the same timeframe as it updates CSRs for competitive LECs, we do not find WorldCom's arguments persuasive.

62. We also reject WorldCom's argument that Qwest requires competitive LECs to submit customer codes which may change on subsequent orders.[198] WorldCom maintains that Qwest advised WorldCom that the customer code was available from either the FOC or the SOC, but WorldCom has noticed a discrepancy in the customer code on FOCs and SOCs.[199] Qwest responds that it requires competitive LECs to submit customer codes only when there are multiple CSRs on the account, which rarely occurs.[200] The record shows that although there may be a discrepancy between the customer code on FOCs and SOCs, competitive LECs can obtain the current customer code by performing a CSR query.[201] Additionally, although we do not rely

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194 WorldCom Comments at 16-17; WorldCom Reply at 13; WorldCom Mar. 24 *Ex Parte* Letter at 8-9; WorldCom Apr. 10 *Ex Parte* Letter at 5-6.

195 *See Qwest 9-State Order*, 17 FCC Rcd at 26339, para. 59.

196 Qwest Reply at 39; Qwest Notarianni & Doherty OSS Reply Declaration, para. 31. The record shows that both Qwest Retail and competitive LECs must follow manual processes which vary only slightly in order to place subsequent orders prior to the CSR posting. Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (filed March 18A 2003) (Qwest Mar. 18A *Ex Parte* Letter).

197 Qwest Apr. 3A *Ex Parte* Letter, Attach. A at 12 n.75.

198 WorldCom Reply at 13-14; WorldCom Mar. 24 *Ex Parte* Letter at 9-10. *See also* WorldCom Apr. 10 *Ex Parte* Letter at 6.

199 WorldCom Reply at 13-14; WorldCom Mar. 24 *Ex Parte* Letter at 9-10.

200 For example, in February 2003, only 4.6% of EDI 11.0 and 1.0% of EDI 10.0 pre-order transactions returned multiple CSRs. Qwest Apr. 3A *Ex Parte* Letter, Attach. A. at 13.n.78.

201 Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (filed March 13A 2003) (Qwest Mar. 13A *Ex Parte* Letter). We note that WorldCom also contends that it should not need to access Qwest's CSR database to submit an account maintenance order particularly because WorldCom may need to pull multiple CSRs. WorldCom Mar. 24 *Ex Parte* Letter at 9.

on it, we note that Qwest plans to change its processes to ensure that the customer code does not change.[202]

2. UNE Combinations

63. In order to satisfy section 271(c)(2)(B)(ii), a BOC must demonstrate that it provides nondiscriminatory access to network elements in a manner that allows requesting carriers to combine such elements and that the BOC does not separate already combined elements, except at the specific request of the competing carrier.[203] We conclude, as did the state commissions, that Qwest meets its obligation to provide access to UNE combinations in compliance with Commission rules.[204] We reject WorldCom's generalized argument that Qwest misses regionwide metrics for EEL Installation Commitments and UNE-platform Centrex Installation Intervals.[205] Qwest meets the performance requirements for these metrics in each of the application states.[206]

3. Pricing of Unbundled Network Elements

a. Introduction

64. Checklist item two of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and

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202 Qwest Mar. 13A *Ex Parte* Letter at 2.

203 47 U.S.C. § 271(c)(2)(B)(ii); 47 C.F.R. § 51.315. Overturning a 1997 decision of the Eighth Circuit Court of Appeals, on May 13, 2002, the U.S. Supreme Court upheld sections 51.315(c)-(f) of the Commission's rules, which, subject to certain limitations, require incumbent LECs to provide combinations of unbundled network elements "not ordinarily combined in the incumbent LEC's network" and to "combine unbundled network elements with the elements possessed by the requesting telecommunications carrier." *Verizon Communications, Inc. v. FCC*, 535 U.S. 467, 539 (2002). In a prior decision, the Supreme Court upheld the Commission's authority to adopt sections 51.315(a)-(b) of the Commission's rules, which establish the general obligation of an incumbent LEC to provide combinations of network elements and require an incumbent LEC not to separate requested elements that it currently combines, except upon request. *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366, 385, 393-95 (1999). We note that other unbundled network elements are required pursuant to the checklist, but we discuss them in the context of other checklist items.

204 *See, e.g.,* New Mexico Commission Comments at 35; Oregon Commission Comments at 11-12, 17 (recommending that the Commission approve Qwest's application in Oregon, but not specifically addressing UNE combinations); South Dakota Commission Comments at 5-6, 16 (recommending that the Commission find that Qwest has met the 14 point checklist, but not specifically addressing UNE combinations).

205 *See* WorldCom Comments at 18, App. Declaration of Sherry Lichtenberg, Attach., OP-3D (Installation Commitments, Zone One, EELs), OP-4A (Installation Interval, D in MSA, UNE-P Centrex).

206 *See generally* Appendices B, C, D, and E. *See also* Qwest Reply at 41-42 (arguing that regionwide performance results cannot overcome the fact that Qwest satisfies the performance measures in the three application states); Qwest Reply at 42-44, App. Tab 3, Reply Declaration of Michael G. Williams, paras. 5-11 (arguing that the regionwide metrics issues WorldCom singles out do not equate to competitively significant differences).

252(d)(1)" of the Act.[207] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[208] Section 252(d)(1) provides that a state commission's determination of the just and reasonable rates for network elements, must be nondiscriminatory, based on the cost of providing the network elements, and may include a reasonable profit.[209] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[210]

65. In applying the Commission's TELRIC pricing principles in this application, we do not conduct a *de novo* review of a state's pricing determinations.[211] We will, however, reject an application if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[212] We note that different states may reach different results that are each within the range of what a reasonable application of TELRIC principles would produce. Accordingly, an input rejected elsewhere might be reasonable under the specific circumstances here.

66. Based on the evidence in the record before us, we find that Qwest's UNE rates in New Mexico, Oregon and South Dakota are just, reasonable, and nondiscriminatory, and are in accordance with section 252(d)(1). Thus, Qwest's UNE rates in these states satisfy checklist item two.

67. Qwest has taken a similar approach to pricing issues as it did in the *Qwest 9-State Order* in that it made voluntary rate reductions in New Mexico, Oregon and South Dakota prior to filing its section 271 application. Those reductions were specifically calculated to produce rates that would enable those states to pass a benchmark comparison to rates in Colorado. In this section, we discuss the details of Qwest's rate proceedings in each state, as well as issues related

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207 47 U.S.C. § 271(c)(2)(B)(ii).

208 47 U.S.C. § 251(c)(3).

209 47 U.S.C. § 252(d)(1).

210 *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996,* CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15844-47, paras. 674-79 (1996) (*Local Competition First Report and Order*) (subsequent history omitted); 47 C.F.R. §§ 51.501-51.515 (2001). Last year, the Supreme Court upheld the Commission's forward-looking pricing methodology in determining the costs of UNEs. *Verizon Communications, Inc. v. FCC*, 122 S. Ct. 1646, 1679 (2002).

211 *Verizon Pennsylvania Order*, 16 FCC Rcd at 17453, para. 55 (citations omitted). *See also Sprint v. FCC*, 274 F.3d 549, 556 (D.C. Cir. 2001) ("When the Commission adjudicates § 271 applications, it does not – and cannot – conduct *de novo* review of state rate-setting determinations. Instead, it makes a general assessment of compliance with TELRIC principles.").

212 *Verizon Pennsylvania Order,* 16 FCC Rcd at 17453, para. 55 (citations omitted).

to the benchmarking process. We also discuss the two pricing challenges related to checklist item 2 that were made by a commenter.[213] Other pricing concerns that were raised by the parties are discussed below under the checklist item that covers that issue. Specifically, AT&T's complaints related to interconnection pricing in New Mexico and entrance facility rates in all three states are discussed under checklist items one and five, respectively. The final pricing related issue is raised by the Northwest Public Communications Council (NPCC) which contends that Qwest's section 271 application is not in the public interest in Oregon because Qwest has failed to reduce rates for pay telephone public access lines in compliance with a previous Commission order.[214] This is discussed in the public interest section.

b. Background

(i) New Mexico Proceedings

68. The New Mexico Commission, *sua sponte*, initiated a cost proceeding in 1998 to set permanent rates for UNEs consistent with TELRIC methodology.[215] In Phase I of that proceeding, the state commission set permanent rates for two-wire loops, switching, tandem switching, tandem-switched local transport, extension technology, common channel signaling access capability, DS-1 switched transport, DS-3 switched transport, STP port, and SS7 signaling.[216] The New Mexico Commission modified the Regional Loop Cost Analysis Program, submitted by Qwest, and the Hatfield Model, submitted by AT&T in the arbitration proceeding, in setting loop rates.[217] For UNEs other than the loop, the New Mexico Commission noted that no party challenged Qwest's cost estimates. Accordingly, the state commission concluded that the prices for these UNEs should be set at the rate proposed by Qwest, except that common costs should be reduced by 10 percent.[218] The New Mexico Commission also required Qwest to adopt

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213 Integra complains that Qwest seeks section 271 approval relying on rates that may be increased in a proceeding presently before the Oregon Commission and that current Oregon's UNE rates are based on old data. *See* section III.B.3.d., e., *infra*.

214 NPCC Comments at 1.

215 Qwest Application App. C, Vol. 2, Tab 1, *Consideration of the Adoption of a Rule Concerning Costing Methodologies,* Order, Docket No. 96-310-TC (July 15, 1998) (*New Mexico 1998 Costing Methodologies Order*) at 1-4. The New Mexico Commission has adhered to TELRIC standards even when the Commission's pricing rules were vacated by the United States Court of Appeals for the Eighth Circuit. *See Petition of American Communications Services, Inc., for Arbitration with U S West,* Docket No. 96-307-TC (Dec. 9, 1996) ("While the stayed portions of the Interconnection Order are not binding on the [New Mexico] Commission, the Commission is not precluded from adopting the costing and pricing theories and concepts in the Interconnection order . . . .").

216 Qwest Application App. C, Vol. 2, Tab 1, *New Mexico 1998 Costing Methodologies Order* at 53-55. The New Mexico Commission subsequently modified the price for switching. Qwest Application App. C, Vol. 2, Tab 2, *In re Consideration of the Adoption of a Rule Concerning Costing Methodologies,* Order on Reconsideration, Docket No. 96-310-TC (Aug. 25, 1998).

217 Qwest Application App. C, Vol. 2, Tab 1, *New Mexico 1998 Costing Methodologies Order* at 53.

218 Id. at 54.

a three-zone deaveraged rate structure.[219] Subsequently, in Phase II, the New Mexico Commission set rates for non-recurring charges (NRCs), collocation, OSS, and certain other UNEs (e.g., four-wire loops, shared transport).[220] In a new proceeding initiated on October 17, 2000, the New Mexico Commission sought to update cost studies for OSS, collocation, shared transport, NRCs, UNE combinations, switching and other UNEs.[221] This new proceeding was divided into two phases, A and B. The state commission on August 27, 2002 issued a decision on interim rates in Phase A, and a decision on permanent rates is pending in Phase B.[222]

69. Prior to filing its section 271 application, Qwest filed a revised SGAT with the New Mexico Commission on August 30, 2002, that included reductions to loops and NRCs.[223] The new rates became effective on October 29, 2002, for competitive LECs purchasing service pursuant to the New Mexico SGAT or opting in to those rates under section 252(i).[224] Specifically, Qwest reduced rates for loops (including two wire and four wire for three deaveraged zones), sub loops and high capacity loops pursuant to its benchmark analysis of UNE rates in Colorado.[225] Qwest also reduced non-recurring charges for basic installation and coordinated installation based on a direct comparison with Colorado rates.[226] The New Mexico Commission recommended to the Commission that Qwest has complied with section 271 requirements and that its application should be granted to provide in-region interLATA services.[227]

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[219] Id. at 55-56.

[220] Qwest Application App. C, Vol. 2, Tab 3, *Consideration of the Adoption of a Rule Concerning Costing Methodologies,* Supplemental Order, Docket No. 96-310-TC (Dec. 31, 1998).

[221] Qwest Application App. C, Vol. 2, Tab 11, *Consideration of Costing and Pricing Rules for OSS, Collocation, Shared Transport, Non-Recurring Charges, Spot Frames, Combination of Network Elements, and Switching,* Procedural Order, Docket No. Utility Case 3495 (Oct. 17, 2000).

[222] Qwest Application App. I, Vol. 3a, Tab 89, *Consideration of Costing and Pricing Rules for OSS, Collocation, Shared Transport, Non-Recurring Charges, Spot Frames, Combination of Network Elements, and Switching,* Final Order for Phase A, Docket No. Utility Case 3495 (Aug. 27, 2002).

[223] Qwest Application App. A, Tab 27, Declaration of Jerrold L. Thompson (Qwest Thompson New Mexico Decl.), para. 36; New Mexico Commission comments at 42; Qwest Feb. 5 *Ex Parte* letter at 1.

[224] Qwest Application App. A, Tab 27, Qwest Thompson New Mexico Decl. at paras. 36-37.

[225] Id. at paras. 39-42. *See* section III.B.3.c., *infra*.

[226] Qwest Application App. A, Tab 27, Qwest Thompson New Mexico Decl. at paras. 47-48. *See* section III.B.3.c., *infra*.

[227] Qwest Application App. C, Vol. 1, Tab 19, *Qwest Corporation's Section 271 Application and Qwest Corporation's Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996; Consideration of Costing and Pricing Rules for OSS, Collocation, Shared Transport, Non-Recurring Charges, Spot Frames, Combination of Network Elements and Switching; Investigation into Unfiled Agreements Between Qwest Corporation and Competitive Local Exchange Carriers,* Final Order Regarding Compliance with (continued….)

(ii) Oregon Proceedings

70. The state commission in Oregon started to develop policies to encourage competitive entry when local competition was in its early stages, well before the 1996 Act and the establishment of Commission rules requiring access to unbundled network elements. The state commission initiated the process of unbundling telecommunications services into network "building blocks" in 1990.[228] Concluding that a new, cost-based approach to ratemaking was "essential to the existence of effective competition," the Oregon Commission convened telecommunications industry workshops almost every month from 1990 to 1993 to define and identify network building blocks and to develop cost principles based on an incremental cost methodology.[229]

71. A series of hearings were held in 1994-95 to determine the magnitude of unbundling and pricing, and in 1996, the Oregon Commission approved costs and prices for building blocks.[230] These building blocks were identified prior to the Commission's identification of UNEs, and consequently, the building blocks created by the Oregon Commission differed from UNEs in both terminology and in detail.[231] The Oregon building blocks were subsequently converted to UNEs with the agreement of competitive LECs, state commission staff, Verizon and Qwest.[232]

(Continued from previous page)
Outstanding 271 Requirements., SGAT Compliance, Track A and Public Interest, Utility Case Nos. 3269, 3537, 3495 and 3750 (N.M. Public Regulation Commission, Oct. 8, 2002).

[228] Qwest Application App. C, Vol. 2, Tab 1, *Investigation into the Revenue Requirement and Rate Structure of Pacific Northwest Bell Telephone Company, dba U S West Communications,* Oregon Commission, Order No. 90-920, Docket No. UT 85 at 19-20 (June 27, 1990).

[229] *Id.* at 17. "Rates which reflect the incremental (or marginal) cost of service encourage better resource utilization by conveying accurate price signals to consumers. . . ." *Id.* at 16-17. The workshops produced findings that became Phase I of Docket UM 351 and culminated in the release of the Telecommunications Building Blocks Cost Report, Vol. 1, in July, 1993 (Oregon Telecommunications Cost Report). Representatives of AT&T, GTE Northwest (now Verizon), MCI, Pacific Telecom, Telephone Rate Payers for Cost-based and Equitable Rates, Oregon Commission staff and Qwest participated in these workshops. *Id.* at 2.

[230] Qwest Application App. A, Tab 2, Declaration of Judy Peppler (Qwest Peppler Oregon Decl.) at paras. 74-75. *See* Qwest Application App. I, Vol. 1, Tabs 483-84, *Investigation into the Cost of Providing Telecommunications Services,* Oregon Commission, Order No. 96-188, Docket No. UM 351 (July 19, 1996) (identifying building blocks to be offered), and Order Nos. 96-325 (Aug. 8, 1996) and 96-228 (Sept. 3, 1996).

[231] *See* 47 C.F.R. § 51.319. *E.g.,* the loop UNE was equivalent to the Oregon building blocks known as the Network Access Channel (NAC) and NAC Connection. Qwest Application App. I, Vol. 8, Tab 97, *Revised Tariff Sheets Filed by Qwest Corporation, formally known as U S West Communications, Inc., for Telecommunications Service. Advice No. 1808,* Oregon Commission, Order No. 00-481, Docket Nos. UT 148 and UM 963 at 2 n.2 (Aug. 30, 2000) (*Oregon Geographic Deaveraging Order*).

[232] Qwest Application App. I, Vol. 7, Tab 330, *Ascertaining the Unbundled Network Elements that must be Provided by Incumbent Local Exchange Carriers to Requesting Telecommunications Carriers Pursuant to 47 C.F.R. § 51.319,* Oregon Commission, Order No. 01-1106, Docket Nos. UT 138-39 Phase II at 1 ((Dec. 26, 2001). *See also* Qwest Application App. I, Vol. 7, Tab 240, *Investigation into Compliance Tariffs filed by U S West*
(continued….)

72. Several years before the 1996 Act was enacted, the Oregon Commission set network element prices based on a forward-looking, incremental cost methodology and rejected the use of historic, embedded costs.[233] The Oregon Commission required cost studies to assume investment in forward-looking, least cost technologies,[234] an approach consistent with TELRIC principles subsequently adopted by the Commission.[235] Shortly after the 1996 Act was passed, the Commission noted that the loop rates adopted by the Oregon Commission (and five other states) could serve as the basis for interim proxy rates so that states, in order to comply with the Act, could approximate forward-looking economic costs until approving their own cost studies.[236] Most recently, the Oregon Commission noted in its state 271 proceedings that after providing an opportunity for all interested parties to participate in determining UNE costs and rates, the state commission adopted "UNE prices substantially based on TELRIC principles advocated by AT&T."[237]

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Communications, Inc., Advice Nos. 1661, 1683, 1685, *and 1690,* Oregon Commission, Order No. 00-316 (revising Order No. 98-444), Docket Nos. UT 138-39 (June 19, 2000) (*Oregon Order No. 00-316*). The Oregon Commission established workshops to match building blocks to UNEs authorized by the Commission in 47 C.F.R. § 51.319, including identifying the appropriate prices applicable to those UNEs based on prices approved by Oregon Commission Order No. 97-239. *Oregon Order No. 00-316* at 4.

[233] *E.g.,* the Oregon Telecommunications Cost Report identified seven cost principles that the Oregon Commission adopted Aug. 10, 1993 in Order No. 93-118. *See also Investigation into Compliance Tariffs filed by U S West Communications, Inc., Advice Nos. 1661, 1683, 1685, and 1690*, Oregon Commission, Order No. 98-444, Docket Nos. UT 138-39 at 43-44 (Nov. 13, 1998) (*Oregon Order No. 98-444*). The state commission adopted a Total Service Long Run Incremental Cost (TSLRIC) methodology "designed to compensate ILECs for efficiently incurred, forward-looking costs." *Id.* at 43.

[234] *Oregon Order No. 98-444* at 43, 45; *see also* Oregon Telecommunications Cost Report at 12. The Oregon Commission cost principles required that cost studies "should not be driven by equipment selection choices that are influenced by the existing stock of equipment" but "should be based on a cost minimization approach with no constraints on the selection of current technology to serve the customers' demand for telecommunications services." Oregon Telecommunications Cost Report at 12.

[235] *Local Competition First Report and Order*, 11 FCC Rcd at 15894, para. 792 (explaining that Oregon "used a standard that appears to be reasonably close to the forward-looking economic cost methodology" required under TELRIC methodology).

[236] *Id.* at 15893-95, paras. 790-92. "[W]e recognize that, in some cases, it may not be possible for carriers to prepare, or for state commissions to review, economic cost studies within the statutory time frame for arbitration proceedings. Because reviewing and approving such cost studies takes time and because many states have not yet begun, or have only recently begun, to develop and examine such studies, it is critical for the near-term development of local competition to have proxies that provide an approximation of forward-looking economic costs and can be used by states almost immediately." *Id.* at para. 790.

[237] Qwest Application App. C, Vol. 1, Tab 13, *Investigation into the Entry of Qwest Corporation, formerly known as U S West Communications, Inc., into In-Region InterLATA Services under Section 271 of the Telecommunications Act of 1996,* Oregon Commission, Workshop 4, Part 2 Findings and Recommendation Report of the Commission and Procedural Ruling, Docket No. UM 823 at 45 (June 3, 2002) (citing Dockets UM 351, UM 773, UM 844 and UT 138-39).

73. In several proceedings that occurred between 1996 and 2002, the Oregon Commission updated recurring UNE cost studies and rates.[238] The Oregon Commission in 1997 accepted the recurring cost models proposed by Qwest -- the Regional Loop Cost Analysis Model and the Switching Cost Model.[239] The Oregon Commission resolved a number of issues concerning non-recurring charges in 1998 and, having recently completed additional proceedings, is expected to issue a further order on non-recurring rates in 2003.[240] On August 30, 2000, the state commission geographically deaveraged statewide average loop prices by grouping wire centers into three rate zones.[241] A new cost proceeding to consider all current UNEs, including those for which no prices have been formally approved, is presently before the Oregon Commission.[242]

74. Prior to filing its section 271 application, Qwest voluntarily reduced certain recurring and non-recurring rates. It filed revised SGAT rates on December 3, 2002 that became effective as of January 22, 2003.[243] Qwest reduced its recurring shared transport rate pursuant to its benchmark analysis of UNE rates in Colorado.[244] Qwest also reduced loop installation non-recurring rates based on a direct comparison with Colorado rates.[245] In addition, recurring vertical feature rates were reduced to zero.[246] The Oregon Commission has provided its "affirmative recommendation" to the Commission that Qwest has complied with section 271 requirements and that its application should be granted to provide in-region interLATA services.[247]

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238 Docket No. UM 773 was opened in 1996 to update cost studies in Docket No. UM 351. Prices based on these revised UM 773 costs were approved in Docket No. UM 844 on June 25, 1997. On Dec. 26, 2001, the Oregon Commission in Docket No. UM 138-39, Order No. 01-1106, approved a stipulated agreement to translate Oregon's building blocks into UNEs authorized by the Commission and to identify their rates. On May 28, 2002, certain other UNE costs and rates were adopted in Docket No. UM 773, Order No. 02-355.

239 Qwest Application App. A, Tab 28, Declaration of Jerrold L. Thompson, para. 9 (Qwest Thompson Oregon Decl.).

240 *Oregon Order No. 98-444* in Docket No. UT 138. An order in Phase III of this docket is pending.

241 *See generally Oregon Geographic Deaveraging Order*.

242 Qwest Application App. I, Vol. 6, Tab 33, *Investigation to Review Costs and Establish Prices for Unbundled Network Elements provided by Qwest Corporation,* Oregon Commission, Order No. 02-602, Docket No. UM 1025 (Sept. 3, 2002).

243 Letter from David L. Sieradzki, Counsel for Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (Feb. 5, 2003). *See also* Qwest Thompson Oregon Decl., para. 19.

244 *Id.* at paras. 19-21. *See* section III.B.3.c., *infra*.

245 *Id.* at para. 27. *See* section III.B.3.c., *infra.*

246 *Id.* at para. 19.

247 Qwest Application App. K, Vol. 1, Tab 553, *Investigation into the Entry of Qwest Corporation, formerly known as US West Communications, Inc., into In-Region InterLATA Services under Section 271 of the* (continued….)

(iii) South Dakota Proceedings

75. Qwest's rates for UNEs and interconnection in South Dakota grew out of a 1997 order by the state commission in an arbitration proceeding filed by AT&T.[248] In the comprehensive proceeding, the state commission set prices for loops, collocation and switching, and it rejected Qwest's proposed additional charges for vertical features.[249] The South Dakota Commission found deficiencies in both the Hatfield Model submitted by AT&T and WorldCom, and Qwest's Regional Loop Cost Analysis Program for determining UNE prices.[250] Citing significant flaws in the Hatfield Model, the state commission decided it was more reliable to adopt Qwest's cost models and make adjustments to inputs.[251] On reconsideration, the South Dakota Commission reaffirmed that "its decision to use [Qwest's] TELRIC cost studies, with modifications, was reasonable" and "more accurately reflected the costs incurred by [Qwest]."[252] The South Dakota Commission presently has a proceeding before it to determine UNE rates based on Qwest's updated cost studies.[253]

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Telecommunications Act of 1996, Oregon Commission, Final Recommendation Report of the Commission, Docket No. UM 823 at 20 (Aug. 19, 2002). *See also* Oregon Commission Comments at 2.

248 Qwest Application App. C, Vol. 2, Tab 1, *Interconnection Contract Negotiations Between AT&T Communications of the Midwest, Inc. and U S West Communications, Inc. Pursuant to 47 U.S.C. Section 252,* South Dakota Commission, Findings of Fact, Conclusions of Law and Order: Compliance Filing Ordered, Docket No. TC96-184 (Mar. 20, 1997) (*South Dakota Arbitration Order*).

249 *South Dakota Arbitration Order* at paras. 115-124. Parties filed written testimony in support and in rebuttal, hearings were held where witnesses could be cross-examined, and parties also filed post-hearing briefs, including proposed findings of fact and conclusions of law. *Id.* at 1.

250 *Id.* at paras. 106-07.

251 *Id.* at paras. 93-104, 108-14. Qwest Application App. C, Vol. 2, Tab 2, *Interconnection Contract Negotiations Between AT&T Communications of the Midwest, Inc. and U S West Communications, Inc. Pursuant to 47 U.S.C. Section 252,* South Dakota Commission, Findings of Fact and Conclusions of Law Issued March 20, 1997 Modified; Compliance Filing Ordered, Docket No. TC96-184 at 2 (Aug. 13, 1997) (*South Dakota Arbitration Reconsideration Order*).

252 *South Dakota Arbitration Reconsideration Order* at 2. The South Dakota Commission found that the rates, terms and conditions in its arbitration order should be considered interim and a new docket should be opened to set permanent prices based on new cost studies. *Id.*

253 Qwest Application App. I, Vol. 2, Tab 1, *Determining Prices for Unbundled Network Elements (UNEs) in Qwest Corporation's Statement of Generally Available Terms (SGAT),* South Dakota Commission, Petition of Qwest Corporation for Initiation of Cost Docket, Docket No. TC01-098 (July 26, 2001). Qwest recommends that the state commission should find the prices it established in its AT&T arbitration proceeding to be permanent TELRIC-based rates. The present proceeding also considers UNEs not previously addressed by the state commission. *Id.* at 1-3.

76. The state commission also held proceedings in 2000 to evaluate competing proposals by AT&T and Qwest to geographically deaverage loop rates.[254] It found that Qwest's deaveraging proposal splitting the state into three zones was "consistent with the assumption behind deaveraged rates: namely, that costs in more densely populated areas will be lower than costs in less densely populated areas."[255]

77. Prior to filing its section 271 application, Qwest voluntarily reduced certain recurring and non-recurring rates. It filed revised SGAT rates on December 12, 2002, which became effective on February 10, 2003, and which will be reflected on competitive LECs' bills within 30-60 after the effective date.[256] Qwest reduced deaveraged loop rates and switching rates pursuant to its benchmark analysis of UNE rates in Colorado.[257] Qwest also reduced loop installation non-recurring rates based on a direct comparison with Colorado rates.[258] The South Dakota Commission found in a series of orders that Qwest complies with section 271 requirements, including the pricing of UNEs in checklist item two.[259] The state commission also found that Qwest's entry into the interLATA market in South Dakota is in the public interest and recommended the approval of Qwest's section 271 application.[260]

c. Benchmark Analysis

78. Qwest asserts that the UNE rates set by the New Mexico, Oregon and South Dakota Commissions comply with TELRIC.[261] Qwest further asserts, however, that in an effort to expedite our consideration of its application, it voluntarily reduced some UNE rates in each of these three states with the specific intent of passing a benchmark comparison to rates in Colorado.[262] We need not decide whether the state proceedings produced TELRIC-compliant

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[254] *Establishment of Different Rates for Interconnection and Unbundled Network Elements in At Least Three Geographic Areas for Nonrural Telecommunications Companies,* South Dakota Commission, Findings of Fact and Conclusions of Law; Notice of Entry of Order, Docket No. TC99-106 (May 1, 2000).

[255] *Id.* at para. 22. The state commission ordered the following deaveraged loop rates: $17.01 in zone 1, $18.54 in zone 2, and $24.37 in zone 3. *Id.* at para. 23.

[256] Qwest Application App. A, Tab 29, Declaration of Jerrold L. Thompson (Qwest Thompson South Dakota Decl.) at paras. 15-16. The revised SGAT is dated Dec. 12, 2002.

[257] *Id.* at paras. 18-23. *See* section III.B.3.c., *infra*.

[258] *Id.* at para. 25. *See* section III.B.3.c., *infra*.

[259] Qwest Application App. A, Tab 3, Declaration of Larry Toll (Qwest Toll South Dakota Decl.) at paras. 4, 48. Qwest Application at 12. *See also* Qwest Application App. C, Vol. 1, Tabs 1-9, *Analysis of Qwest Corporation's Compliance with Section 271(c) of the Telecommunications Act of 1996*, South Dakota Commission, Orders, Docket No. TC01-165 (Dec. 18, 2001 – Nov. 22, 2002). *See also* South Dakota Commission Comments at i.

[260] South Dakota Commission Reply at 4 (citing final order issued Feb. 26, 2003, in the state 271 proceeding).

[261] *See* Qwest Application at 149.

[262] *Id.* at 149-50. Qwest submitted revised SGATs reducing UNE rates in New Mexico on Aug. 30, 2002; in Oregon on Dec. 3, 2002, and in South Dakota on Dec. 12, 2002. The revised SGATs became effective in New (continued….)

rates because we find that Qwest's current, voluntarily reduced rates benchmark to the rates in Colorado.

79. None of the parties has challenged Qwest's benchmark analysis for any of the three states, including its decision to use Colorado rates as the basis for the comparison. Nonetheless, we perform our own benchmark analysis of Qwest's New Mexico, Oregon and South Dakota UNE rates to determine whether those rates comply with TELRIC and satisfy checklist item two. To determine whether a comparison is reasonable, the Commission will consider whether the two states have a common BOC; whether the two states have geographic similarities; whether the two states have similar, although not necessarily identical, rate structures for comparison purposes; and whether the Commission has already found the rates in the comparison state to be TELRIC-compliant or an appropriate benchmark.[263] Applying this standard to Qwest's rates in New Mexico, Oregon and South Dakota, we find that Colorado is a permissible state for UNE rate comparison purposes here.[264]

80. Having determined that the Colorado rates are appropriate rates for the benchmark comparison, we compare Qwest's New Mexico, Oregon and South Dakota rates to the Colorado rates under our benchmark analysis, using our standard assumptions for weighting rates.[265] As shown in the tables below, we compare the difference between each applicant state's rates and Colorado's rates to the difference between each applicant state's costs and Colorado's costs according to the Synthesis Model.[266] We compare rates and costs for loops and for aggregated non-loop elements.[267] Because each applicant state's rates do not exceed rate levels that result from an application of the appropriate cost differential to Colorado's rates, we find that Qwest's rates in New Mexico, Oregon and South Dakota satisfy our benchmark analysis.

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Mexico on Oct. 29, 2002, in Oregon on Jan. 22- 23, 2003 and in South Dakota on Feb. 10, 2003. *See* Letter from David Sieradzki, Counsel for Qwest, to Ms. Marlene H. Dortch , Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (Feb. 5, 2003).

263 *See Verizon New Jersey Order*, 17 FCC Rcd at 12295-96, para. 49; *Verizon Rhode Island Order*, 17 FCC Rcd at 3320, para. 38; *SWBT Arkansas/Missouri Order*, 16 FCC Rcd at 20746, para. 56; *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 63. In the *Verizon Pennsylvania Order*, the Commission found that several of the criteria should be treated as indicia of the reasonableness of the comparison. *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457, para. 64; *see also Verizon Massachusetts Order*, 16 FCC Rcd at 9002, para. 28; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6276, para. 82.

264 Colorado shares geographic similarities, is served by the same BOC, has a similar rate structure, and the Commission has already found Colorado's rates to be TELRIC-compliant on their own merits. *See Qwest 9-State Order* at 26467-69, paras. 302, 305.

265 S*ee Verizon Pennsylvania Order*, 16 FCC Rcd at 17458, para. 65 (describing our standard assumptions).

266 The Commission "cannot rely on the [synthesis] model to provide guidance in examining non-recurring rates, because it does not examine these costs." *Verizon Pennsylvania Order*, 16 FCC Rcd at 17457 n.248.

267 We note that although the Commission only benchmarks non-loop elements in the aggregate, Qwest's rates for switching and transport would independently satisfy a benchmark test.

Loop Analysis		
State vs. Colorado	Rates Percentage Difference	Synthesis Model Costs Percentage Difference
New Mexico vs. Colorado	17%	17%
Oregon vs. Colorado	(5%)	(3%)
South Dakota vs. Colorado	19%	19%

Non-Loop Analysis		
State vs. Colorado	Rates Percentage Difference	Synthesis Model Costs Percentage Difference
New Mexico vs. Colorado	(32%)	2%
Oregon vs. Colorado	(13%)	(10%)
South Dakota vs. Colorado	(21%)	(2%)

81. These conclusions demonstrate that Qwest's New Mexico, Oregon and South Dakota UNE rates fall within a range of rates that a reasonable application of TELRIC would produce. Accordingly, we find that Qwest has demonstrated that its New Mexico, Oregon and South Dakota UNE rates satisfy the requirements of checklist item two.

d. Temporary Rates in Oregon

82. Integra expresses concern that Qwest relies on Oregon UNE loop rates in its section 271 application that could only be in effect temporarily. Specifically, Integra asserts that Qwest is playing "bait and switch" with the rates for UNE loops in Oregon by obtaining section 271 approval on the basis of current loop rates that it has proposed to raise to non-TELRIC levels in an ongoing Oregon UNE rate case.[268] Integra notes that the Commission, in its recent *Qwest 9-State Order,* denied a competitive LEC's challenge to UNE rates in Utah based on a claim that Qwest had merely made a temporary rate reduction (to meet a benchmark analysis to rates in Colorado) for purposes of obtaining section 271 approval.[269] Integra attempts, however, to distinguish the Utah situation by arguing that Qwest there sought to raise UNE rates in a state proceeding only back to their previous level, while in Oregon, Qwest is seeking to "*substantially increase* UNE loop rates that barely meet the Commission's benchmark test now."[270] Integra further argues that while the Commission's section 271 conflict and enforcement process[271] is adequate to deal with future, potential "backsliding" by an incumbent LEC, Qwest's Oregon rate

[268] Integra Comments at 1.

[269] *Id*. (citing *Qwest 9-State Order*, 17 FCC Rcd at 26469, para. 306).

[270] Integra Comments at 3 (emphasis in original).

[271] 47 U.S.C. § 271 (d)(6)(A)-(B).

proposal is so onerous that the Commission should deal with it now.[272] Finally, Integra argues that if the Commission decides to grant Qwest's section 271 application, Qwest should not be allowed to raise its UNE loop rates in Oregon "for some minimum time."[273] Qwest responds that the Commission has held that a pending rate investigation does not render the rates submitted with a section 271 application impermissibly temporary.[274]

83. We have consistently held that in similar factual circumstances, where the incumbent LEC had filed a section 271 application, while pursuing an ongoing UNE rate proceeding, we perform our analysis on the rates before us—the rates the LEC submitted in its section 271 application.[275] We do not agree with Integra that the situation in Oregon warrants a different approach. If we find the rates Qwest submitted in Oregon to be TELRIC-compliant, Qwest has met its obligation to price UNE loops in compliance with checklist item two.

84. We cannot now assume that the proposed UNE loop rates that Qwest has filed with the Oregon Commission are not cost-justified, even though they may exceed the rates on which Qwest here relies. We also cannot assume that the Oregon Commission would adopt the proposed new rates if Qwest were not able to justify them in accordance with TELRIC principles. In *WorldCom v. FCC,* the D.C. Circuit Court made clear that we may rely upon the state commission to set UNE rates."[276] We find that the Oregon Commission has demonstrated its commitment to setting UNE rates at TELRIC levels, and we are confident that it will modify rates appropriately in the future based on the evidence before it. Section 271(d)(6)(B) of the Act, however, provides a mechanism for an interested party to challenge any UNE rates as not being TELRIC-based.[277] Under section 271(d)(6)(A), the Commission has the authority to review any future Qwest rate increase, including the one now pending in Oregon. Should we determine that any such increase is not TELRIC-based in compliance with checklist item two, section

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272 Integra Comments at 1, 5. Integra states that Qwest seeks to raise loop rates to a "secret" level. Integra asserts that it cannot say how much Qwest proposes to increase its loop rates because Qwest sought and was granted a protective order in the ongoing UNE rate proceeding which permits Qwest to keep the UNE cost studies it filed in that proceeding confidential. Qwest denies that either the proposed rates or Qwest's TELRIC cost study are secret. Qwest Reply Comments, Attach. Tab 4, Joint Reply Declaration of Jerrold L. Thompson and Thomas R. Freeberg, para. 24 (Qwest Thompson/Freeberg Reply Decl.). Qwest further asserts that it has provided Integra a copy of the TELRIC studies and the results. *Id.* at para. 25.

273 Integra Comments at 5.

274 Qwest Reply at 49. *See also* Qwest Thompson/Freeberg Reply Decl., paras. 24-26. Qwest also asserts that the Oregon rate proceeding is likely to be lengthy and that a decision is not expected before mid- to-late 2004. *Id.* at para. 26.

275 *See, e.g., Qwest 9-State Order*, 17 FCC Rcd at 26469-70, para. 307; *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9066-67, para. 97 (citing *Verizon Rhode Island Order*, 17 FCC Rcd at 3317, para. 31).

276 *WorldCom v. FCC*, 308 F.3d 1, 8 (DC Cir. 2002).

277 47 U.S.C. § 271 (d)(6)(B).

271(d)(6)(A) empowers the Commission to suspend or revoke Qwest's section 271 authority or impose other penalties.[278]

e. Old Rates in Oregon

85. Integra also asserts that Oregon's current UNE rates are based on old data.[279] As the D.C. Circuit Court stated in *WorldCom v. FCC,* we may rely upon the state commission to set UNE rates, and "the mere age of a rate doesn't render the FCC's reliance on it unreasonable."[280] Furthermore, the Commission has previously noted that the issue of outdated data is not particularly relevant to rates where the Commission applies its benchmark analysis, as is the case here.[281] We find that Integra does not present any evidence that Qwest's UNE loop rate in Oregon is so outdated that our reliance on it is unreasonable.

IV. OTHER CHECKLIST ITEMS

A. Checklist Item 1 – Interconnection

1. Specific Interconnection Issues

86. Section 271(c)(2)(B)(i) requires a BOC to provide equal-in-quality interconnection on terms and conditions that are just, reasonable, and nondiscriminatory in accordance with the requirements of sections 251 and 252.[282] Based on our review of the record, we conclude, as did each state commission,[283] that Qwest complies with the requirements of this checklist item.[284] In reaching this conclusion, we have examined Qwest's performance in

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278 47 U.S.C. § 271 (d)(6)(A).

279 Integra Comments at 3 (stating that Oregon UNE rates are based on "input gathered between 1993 and 1997, when competitive interconnection was in its infancy.").

280 *WorldCom v. FCC*, 308 F.3d 1, 8 (DC Cir. 2002).

281 *Application by SBC Communications Inc., Pacific Bell Telephone Company, and Southwestern Bell Communications Services Inc., for Authorization To Provide In-Region, InterLATA Services in California*, WC Docket No. 02-306, Memorandum Opinion and Order, 17 FCC Rcd 2560, 25665, para. 34.

282 47 U.S.C. § 271(c)(2)(B)(i); *see also* Appendix K at paras. 17-24.

283 New Mexico Commission Comments at 34; Oregon Commission Comments at 11; South Dakota Commission Comments at 16.

284 Qwest Application App. A., Tab 5, Declaration of Thomas R. Freeberg, paras. 13-82 (Qwest Freeberg-Interconnection Decl.). We also conclude that Qwest provides legally binding terms and conditions for collocation in its interconnection agreements and SGATs. *See* New Mexico SGAT §8, Oregon SGAT §8, and South Dakota SGAT § 8; *see also* Qwest Application App. A., Tab 6, Declaration of Margaret S. Bumgarner (Qwest Bumgarner-Collocation Decl.).

providing collocation and interconnection trunks to competing carriers, as we have done in prior section 271 proceedings.[285]

87. *Interconnection Terms*.[286] The City of Portland asserts that Qwest's refusal to interconnect with the City of Portland, despite its existing approved interconnection agreement with Qwest, is in violation of checklist item 1.[287] The City of Portland further asserts that, accordingly, Qwest should not reference this interconnection agreement in its application.[288] Qwest claims that the City of Portland's interconnection agreement itself is the subject of an arbitration proceeding in Oregon, and that Qwest included this agreement in an effort to provide the Commission a complete listing of its filed interconnection agreements with the application states.[289]

88. This dispute is currently before the American Arbitration Association for arbitration. We find, and the City of Portland acknowledges in part, that the dispute regarding the City of Portland's interconnection agreement will be more appropriately resolved through the ongoing arbitration, or the section 208 complaint process, than in a section 271 proceeding.[290] Furthermore, it appears that the operating status of the City of Portland, rather than any particular interconnection access, terms or rates, is in dispute.[291] Therefore, we find that Qwest's

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[285] *See Qwest 9-State Order*, 17 FCC Rcd at 26474, para. 312 (citing, e.g., *BellSouth Georgia/Louisiana Order*, 17 FCC Rcd at 9133-9137, paras. 201-206; *Verizon Massachusetts Order*, 16 FCC Rcd at 9092-95, 9098, paras. 183-87, 195). We find, based on the record, that Qwest's performance for interconnection satisfies its statutory obligations regarding interconnection quality and timeliness. *See* 47 U.S.C. § 271(c)(2)(B)(i). *See also* Qwest Williams-Performance Measures Decl., paras. 72-91.

[286] AT&T claims that Qwest's flat-rated and non-distance sensitive entrance facility rate for interconnection does not reflect the way costs are incurred. *See* AT&T Wilson Decl., paras. 9-19. We address AT&T's argument in our discussion of unbundled local transport under checklist item 5 below.

[287] *See* City of Portland Comments at 4-5, 7. The City of Portland also alleges that Qwest's refusal of interconnection or access to Qwest's network violates checklist items 2, 4, and 5. *See id*. at 5-7. In addition, the City of Portland states that it has obtained authorization from the Oregon Commission to act as a CLEC and that it is entitled to purchase UNEs, trunking and other interconnection products and services. *See id*. at 2.

[288] *See* City of Portland Comments at 4-5, 7. The City of Portland argues that Qwest made the reference to support the proposition that Qwest's local network is open and accessible to competitors. *See id*. at 7. Qwest referenced the interconnection agreement between Qwest and the City of Portland as one of the interconnection agreements that obligates Qwest to provide the item in a manner that complies with the statute and with the Commission's rules, policies, and precedents regarding that item. *See* Qwest Application at 26-27. "Qwest relies on these agreements and the other interconnection agreements filed with the State Commissions, in addition to its SGAT, to establish checklist compliance." Qwest Application at 27 n.24.

[289] *See* Qwest Reply at 57-58.

[290] *See* City of Portland Comments at 7. *See also*, *e.g*., *Verizon Pennsylvania Order*, 16 FCC Rcd at 17480-81, para. 113.

[291] *See* City of Portland Comments at 6, 7 (stating that Qwest claims, among other things, that the City of Portland is not a telecommunications carrier and that the City of Portland is not providing telecommunications services); Qwest Application, App. N, Oregon, Vol. 5a, Tab 5 (Complaint in City of Portland v. Qwest, filed in Docket No. IC (continued….)

reference of the City of Portland's interconnection agreement in this application does not violate our rules, or warrant a finding of checklist noncompliance.[292]

2. Pricing of Interconnection

89. Checklist item one requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[293] Section 251(c)(2) requires incumbent LECs to provide interconnection "at any technically feasible point within the carrier's network . . . on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[294] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[295]

90. AT&T argues that in New Mexico, beginning in December 2002, Qwest deemed local traffic that is terminated on a third party's network to be "access" traffic subject to access charges, rather than interconnection traffic subject to TELRIC rates.[296] AT&T asserts that these calls are "indisputably local calls" whether they terminate on Qwest's network or another carrier's network.[297] AT&T states that the Act and the Commission's rules require Qwest to charge TELRIC rates for such local traffic and that Qwest's failure to do so is a violation of checklist item one.[298]

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6, Public Utility Commission of Oregon, Affidavit of James R. Deason, Exhibit E, Letter from Kelly A. Cameron, Qwest, to James Deason, City of Portland, dated April 18, 2002, at 4, filed Jun. 5, 2002) (claiming that Qwest has no legal obligation under the interconnection agreement or the Act to provision facilities and services for the City of Portland as a competitive LEC for its own use or for the use of affiliated entities); 47 U.S.C. § 251; 47 USC § 153 (44). *See also*, generally, Qwest Application, App. N, Oregon, Vol. 5a, Tab 21, Qwest Answer in Docket No. IC 6 (filed Jun. 28, 2002). The Complaint was dismissed, and the parties proceeded with arbitration as provided by the parties' interconnection agreement.

[292] Including the City of Portland, Qwest lists 122 wireline interconnection agreements in Appendix L for Oregon, on which Qwest relies to establish checklist compliance. *See* Qwest Application, Appendix L, Vol. 1, Tabs 1-122. "Qwest's application does note that Qwest is providing the City of Portland with collocation under its interconnection agreement." *See* Qwest Reply at 58 n.66. Moreover, Qwest relies on collocation arrangements with a total of 27 competitive LECs. *See* Qwest Application at 37-38.

[293] 47 U.S.C. § 271(c)(2)(B)(i).

[294] *Id*. § 251(c)(2).

[295] *Id*. § 252(d)(1).

[296] AT&T Comments at 27. The dispute appears to cover billing for the period of Dec. 14, 2002 through March 5, 2003. Letter from James P. Young, Counsel for AT&T, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed April 1A, 2003) (AT&T Apr. 1A *Ex Parte* Letter).

[297] AT&T Comments at 28.

[298] AT&T Comments at 28; AT&T Reply at 17. AT&T alternates between describing Qwest's actions as a violation of the Commission's interconnection pricing and reciprocal compensation rules. AT&T Comments at 27-
(continued….)

91. Qwest responds that AT&T's allegations do not amount to a checklist violation but rather concern Qwest's performance under its interconnection agreement.[299] Qwest states that its interconnection agreement provides that transit traffic will be charged at TELRIC rates if it is routed between the carriers on separate trunk groups, i.e., if the traffic is not commingled with non-local traffic.[300] Qwest argues that the dispute concerns the proper rates that Qwest may apply when AT&T commingles local transit traffic with switched access and other local traffic on switched access trunks.[301] Qwest asserts that it has applied access charges to such commingled traffic for several years.[302] Qwest contends that AT&T raised this dispute for the first time in this section 271 proceeding.[303] According to Qwest, disputes about whether a carrier is complying with an interconnection agreement are beyond the scope of section 271 proceedings and should be handled by the state commission in the first instance.[304]

92. We conclude that, as Qwest asserts, this dispute is, indeed, about compliance with an interconnection agreement.[305] A clear indication that the core of this dispute involves an interpretation of the terms of a contract is AT&T's claim that "[t]he *interpretation* that all parties have observed until now is the only *interpretation* consistent with both the law and the terms of

(Continued from previous page)
28; AT&T Reply at 13-17. We note, however, that for the reasons that we state here, we reach the same disposition of its claims in either case.

299 Qwest Reply at 48.

300 Qwest Thompson/Freeberg Reply Decl., para. 18 n.27. Qwest also states that, while it does not concede either the merits of AT&T's position or its relevance for evaluating section 271 proceedings, it is "willing to accede to AT&T's request in this matter. Thus, going forward and for as long as the current New Mexico agreement is in effect, Qwest is willing to apply the TELRIC-based rate to local transit traffic that AT&T sends to Qwest on a Feature Group D trunk . . . ." Qwest Thompson/Freeberg Reply Decl., para. 19 n.29. We note that we do not base our decision on this.

301 Qwest Thompson/Freeberg Reply Decl., para. 18.

302 Qwest Thompson/Freeberg Reply Decl., para. 18.

303 Qwest Reply at 48.

304 Qwest Thompson/Freeberg Reply Decl., para. 19.

305 Although we do not address the merits of AT&T's assertion that Commission rules require Qwest to provide transit service under section 251(c)(2), we note that the Commission has not had occasion to determine whether incumbent LECs have such a duty, and we find no clear Commission precedent or rules declaring such a duty. *Joint Application by BellSouth Corporation, BellSouth Telecommunications Inc., And BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina,* WC Docket No. 02-150, Memorandum Opinion and Order, 17 FCC Rcd 17595, 17719, para. 222 n.849. (*BellSouth Multistate Order*). In the absence of a duty to provide transit service at TELRIC rates, we note that the state commission did not commit clear error in finding that Qwest provides interconnection in compliance with checklist item one. *Application by BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Authorization To Provide In-Region, InterLATA Services in Florida and Tennessee,* WC Docket No. 02-307, Memorandum Opinion and Order, 17 FCC Rcd 25828, 25910-11, para. 155 (*BellSouth Florida/Tennessee Order*).

the agreement."[306] Whether one carrier is routing traffic pursuant to the terms of an interconnection agreement is more appropriately considered in a proceeding other than a section 271 review.[307] Accordingly, we conclude that this dispute should be resolved in a different forum.

B. Checklist Item 4 – Unbundled Local Loops

93. Section 271(c)(2)(B)(iv) of the Act requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[308] Based on the evidence in the record, we conclude, as did the state commissions, that Qwest provides unbundled local loops in accordance with the requirements of section 271 and our rules.[309] Our conclusion is based on our review of Qwest's performance for all loop types – which include, as in past section 271 orders, voice grade loops, xDSL-capable loops, and high capacity loops – as well as hot cut provisioning and our review of Qwest's processes for line sharing and line splitting.[310] As of December 31, 2002, competitors have acquired from Qwest and placed into use approximately 6,684 stand-alone unbundled

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306 AT&T Comments at 28 (emphasis added).

307 *See, e.g., Application of Verizon Maryland Inc., Verizon Washington, D.C. Inc., and Verizon West Virginia Inc., et. al., Pursuant to Section 271 of the Telecommunications Act of 1996 for Authorization To Provide In-Region, InterLATA Services in Maryland, Washington, D.C., and West Virginia*, WC Docket No. 02-384, Memorandum Opinion and Order at 87, para. 146 (Mar. 19, 2003) ("While we do not require parties to raise all pricing issues elsewhere before raising them in a section 271 proceeding, it is both impractical and inappropriate for us to make these sorts of fact-specific findings regarding compliance with interconnection agreements in a section 271 review when the issue was not previously raised in the appropriate forum."). *Accord Application of Verizon New England, Inc., Bell Atlantic Communications, Inc., (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc., and Verizon Select Services, Inc., for Authorization Pursuant to Section 271 of the Telecommunications Act of 1996 for Authorization To Provide In-Region, InterLATA Services in Vermont*, CC Docket No. 02-7, Memorandum Opinion and Order, 17 FCC Rcd 7625, 7636, para. 20 (2002) (*Verizon Vermont Order*); *BellSouth Florida/Tennessee Order*, 17 FCC Rcd at 25910-11, para. 155.

308 47 U.S.C. § 271(c)(2)(B)(iv); *see also* Appendix F at paras. 48-52 (regarding requirements under checklist item four).

309 *See* New Mexico Commission Comments at 47; Oregon Commission Comments at 12; South Dakota Commission Comments at 6. In addition, the Department of Justice recommended approval of Qwest's application, subject to the Commission's assuring itself that all concerns raised have been resolved. *See* Department of Justice Evaluation at 2, 11-12.

310 We note that our review encompasses Qwest's performance and processes for all loop types, but as noted below, our discussion does not address every aspect of Qwest's loop performance where our review of the record satisfies us that Qwest's performance is in compliance with the applicable parity and benchmark measures. We also note that WorldCom points to performance failures in broad metric categories without addressing specific metrics in the application states. *See* WorldCom Comments at 18; WorldCom Lichtenberg Decl., para. 32. We have reviewed the performance results in all of the metric categories WorldCom addresses for each of the application states and we find that Qwest's performance in the application states does not warrant a finding of checklist noncompliance. *See also* Qwest Reply at 41-44.

loops in New Mexico,[311] 53,918 stand-alone unbundled loops in Oregon,[312] and 7,540 stand-alone unbundled loops in South Dakota.[313]

94. Consistent with the Commission's prior section 271 orders, we do not address every aspect of Qwest's loop performance where our review of the record satisfies us that Qwest's performance is in compliance with the parity and benchmark measures established in the three application states.[314] Instead, we focus our discussion on those areas where the record indicates discrepancies in performance between Qwest and its competitors. In making our assessment, we review performance measurements comparable to those the Commission has relied upon in prior section 271 orders, primarily those associated with measuring the timeliness and quality of loop provisioning and loop maintenance and repair.[315] As in past section 271 proceedings, in the course of our review, we look for patterns of systemic performance disparities that have resulted in competitive harm or that have otherwise denied new entrants a meaningful opportunity to compete.[316] Isolated cases of performance disparity, especially when the margin of disparity is small, generally will not result in a finding of checklist noncompliance.[317] We generally find that disparity in one or two months out of the five-month reporting period is isolated and therefore not competitively significant.[318]

95. Finally, we note that order volumes with respect to certain categories of loops, or order volumes with respect to a specific metric for a certain category of loop, in a given month

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311 *See* Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11, Attach. at 1 (filed February 20A, 2003) (Qwest Feb. 20A *Ex Parte* Letter). In New Mexico, as of December 31, 2002, Qwest had in service 4,532 unbundled voice grade analog loops, 2,103 xDSL-capable loops, 49 high capacity loops, and 1,528 unbundled shared loops. *See id.*

312 *See* Qwest Feb. 20A *Ex Parte* Letter, Attach. at 1. In Oregon, as of December 31, 2002, Qwest had in service 45,513 unbundled voice grade analog loops, 6,284 xDSL-capable loops, 2,121 high capacity loops, and 1,638 unbundled shared loops. *See id.*

313 *See* Qwest Feb. 20A *Ex Parte* Letter, Attach. at 1. In South Dakota, as of December 31, 2002, Qwest had in service 7,337 unbundled voice-grade analog loops, 160 xDSL-capable loops, 43 high capacity loops, and 0 unbundled shared loops. *See id.*

314 *See, e.g., Qwest 9-State Order*, 17 FCC Rcd at 26485-86, para. 336.

315 *See Verizon Massachusetts Order*, 16 FCC Rcd at 9078-79, para. 162.

316 *See Verizon Massachusetts Order*, 16 FCC Rcd at 9055-56, para. 122.

317 *See Verizon Massachusetts Order*, 16 FCC Rcd at 9055-56, para. 122.

318 *See, e.g.,* MR-3 (Out of Service Cleared Within 24 Hours – Non-Dispatch) for line shared loops in Oregon; MR-3 (Out of Service Cleared Within 24 Hours – Dispatch) for line shared loops in New Mexico; MR-4 (All Troubles Cleared Within 48 Hours – Dispatch) for line shared loops in New Mexico; MR-5 (All Troubles Cleared Within Four Hours) for DS1-capable loops in New Mexico; MR-7 (Repair Repeat Report Rate) for unbundled analog loops in South Dakota; MR-8 (Trouble Rate) for DS1-capable loops in South Dakota; MR-8 (Trouble Rate) for ISDN-capable loops in Oregon; OP-5 (New Service Installation Quality) for DS1-capable loops in Oregon.

for one or more of the states included in this application may be too low to provide a meaningful result. As a result, we may look to Qwest's performance in Colorado, where volumes are generally higher, to inform our analysis.

96. *xDSL-Capable Loops*. Qwest demonstrates that it provides xDSL-capable loops in a nondiscriminatory manner. Qwest, however, fails to meet parity under the new installation quality measure for a subcategory of xDSL loops provided in Oregon – ADSL-qualified loops.[319] Although Qwest missed parity under this measure for three months during the relevant period, we note that these performance results were based on relatively low volumes, and we recognize the difficulties associated with drawing strong conclusions based on low volumes of data.[320] We therefore find that Qwest's performance with regard to ADSL-qualified loops in Oregon does not result in a finding of checklist noncompliance.[321] In addition, we recognize that Qwest does not meet parity for three months with respect to installation commitments met for conditioned loops in New Mexico.[322] Although there were low volumes of orders for conditioned loops in some months in New Mexico,[323] the five-month average performance is near the benchmark.[324] Therefore, we do not find these performance disparities to be competitively significant.

97. *High Capacity Loops*. Qwest demonstrates that it provides high capacity loops in a nondiscriminatory manner.[325] Qwest, however, does not achieve parity under the trouble rate

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319 *See* OP-5 (New Service Installation Quality) for ADSL-qualified loops in Oregon, indicating a disparity in September, December, and January with competitive LEC trouble free installation results of 75.00%, 64.29%, and 86.67%, compared to Qwest results of 97.81%, 100%, and 100% respectively.

320 The September result was based on only eight orders, while the December and January results were based on 14 and 15 orders respectively for installation of ADSL-qualified loops in Oregon. *See* OP-5 (New Service Installation Quality) for ADSL-qualified loops in Oregon.

321 Moreover, recognizing the difficulty of drawing meaningful conclusions from low volumes, we look to Qwest's performance in Colorado on this metric. In this case, we are unable to draw conclusions based on the Colorado data because there were no orders under this metric during the relevant five-month period. *See* OP-5 (New Service Installation Quality) for ADSL-qualified loops in Colorado.

322 *See* OP-3 (Installation Commitments Met) for conditioned loops in New Mexico, indicating a disparity in September, November, and January. The rates of installation commitments met for competitive LECs were 83.33%, 50.00%, and 83.33%, compared to the 90% benchmark.

323 In September, competitive LECs ordered 24 unbundled conditioned loops in New Mexico, but the number of orders fell to only two in November and six in January. *See* OP-3 (Installation Commitments Met) for conditioned loops in New Mexico.

324 *See* OP-3 (Installation Commitments Met) for conditioned loops in New Mexico, indicating a five-month average for September through January of 87.27%, compared to the 90% benchmark. *See also* Qwest Williams Decl., para. 366.

325 *See generally* OP-3 (Installation Commitments Met); OP-4 (Installation Interval); OP-5 (New Service Installation Quality); MR-6 (Mean Time to Restore); MR-7 (Repair Repeat Report Rate); and MR-8 (Trouble Rate) for DS1-capable loops.

measure of maintenance and repair quality for DS1-capable loops in Oregon.[326] Although troubles for competitive LECs were reported slightly more often than for Qwest's retail customers, we find that these disparities are not competitively significant given the relatively low competitive LEC trouble rate.[327] In addition, Qwest explains that it has implemented a program to further improve performance in Oregon, including additional training, quality checks, field audits, and outside plant rehabilitation.[328] Thus, we find that Qwest's performance with respect to high capacity loops does not warrant a finding of checklist noncompliance.

98. *Other Issues*. The City of Portland contends that Qwest fails to comply with its obligation to provide nondiscriminatory access to unbundled loops.[329] Specifically, the City of Portland claims that Qwest refuses to provision loops, or any other service or element, ordered by the city pursuant to its state commission-approved interconnection agreement with Qwest.[330] The City of Portland explains that this dispute is subject to a pending arbitration proceeding pursuant to the arbitration clause of the interconnection agreement.[331] As discussed above, we find that this carrier-specific issue more appropriately will be resolved through the pending arbitration proceeding or the section 208 complaint process than in a section 271 proceeding.[332] Accordingly, we decline to find that this allegation warrants a finding of checklist noncompliance.

C. Checklist Item 5 – Unbundled Local Transport

99. Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from

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326 *See* MR-8 (Trouble Rate) for DS1-capable loops in Oregon, indicating a disparity in September, October, December, and January with competitive LEC results of 2.00%, 1.63%, 2.19%, and 1.93%, compared to Qwest results of 1.44%, 1.03%, 1.14%, and 1.28%.

327 In Oregon, the five-month average for the competitive LEC trouble rate is 1.81%. This five-month average is well below 3%, which we have found to be acceptable in past section 271 orders. *See Qwest 9-State Order,* 17 FCC Rcd at 26488, para. 340 n.1237; *Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Maine*, CC Docket No. 02-61, Memorandum Opinion and Order, 17 FCC Rcd 11659, 11691, para. 49 n.209 (2002) (*Verizon Maine Order*).

328 *See* Qwest Williams Decl., para. 382.

329 *See* City of Portland Comments at 6.

330 *See* City of Portland Comments at 1, 3-4.

331 *See* City of Portland Comments at 4.

332 *See* section IV.A.1, *supra*.

switching or other services."[333] Based on our review of the record, we conclude, as did each state commission, that Qwest complies with the requirements of this checklist item.[334]

100. AT&T alleges that Qwest levies unlawful non-distance sensitive charges for the "entrance facility" linking the competitive LEC switch and the Qwest serving wire center.[335] These allegations are raised in the context of both interconnection and unbundled transport.[336] When used as a UNE in unbundled transport, the entrance facility may also be known as extended unbundled dedicated interoffice transport (EUDIT).[337] AT&T contends that Qwest's distinction between entrance facilities, including EUDIT,[338] and interoffice transport between Qwest switches is unreasonable, discriminatory and serves only to raise the cost of transport to

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[333] 47 U.S.C. § 271(c)(2)(B)(v); *see also* Appendix F, para. 53.

[334] *See* Qwest Application App. A, Tab 15, Declaration of Karen A. Stewart (Qwest Stewart Transport Decl.), paras. 1-8 (citing state 271 orders in New Mexico, Oregon and South Dakota that demonstrate compliance with this checklist item); New Mexico Commission Comments at 34, 47-49; Oregon Commission Comments at 13 (citing Workshop 3 Report of the state commission's 271 proceeding); South Dakota Commission Comments at 4-6. We reject the City of Portland's claim that, in rejecting its transport orders, Qwest has failed to comply with checklist item 5. *See* City of Portland Comments at 7. As discussed above, we find that this dispute appears to be whether the City of Portland is a telecommunications carrier under the Act and is not appropriately considered in the context of our section 271 application.

[335] AT&T April 1A *Ex Parte* Letter at 1.

[336] AT&T April 1A *Ex Parte* Letter at 1. Qwest offers entrance facilities both as part of its local interconnection trunk offerings under section 251(c)(2) of the Act and as dedicated transport UNEs under section 251(c)(3) of the Act. Qwest Thompson/Freeberg Reply Decl., para. 4 n.1. We analyze this issue under unbundled local transport, checklist item five, rather than under interconnection pricing, checklist item one, but the outcome is the same.

[337] Letter from David L. Sieradzki, Counsel for Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 3 (filed April 4B, 2003) (Qwest Apr. 4B *Ex Parte* Letter). Qwest clarifies that while entrance facilities and the EUDIT element are functionally similar, they are different in several respects and are distinct offerings in the SGAT. *Id.* at 2-3 (clarifying previous Qwest information noted in the *Qwest 9-State Order*, 17 FCC Rcd at 26497, para. 351 n.1284). "Unlike LIS [local interconnection service] Entrance Facilities, EUDIT (UNE) facilities are dedicated exclusively to the use of the CLEC and the rate is not adjusted to reflect Qwest's relative use of the facilities. As with other UNEs, EUDIT may be ordered in combination with other UNEs, but generally may not be commingled with facilities for non-local service. Moreover, like other UNEs, EUDIT may be (and often is) connected to a CLEC's collocation facility; by contrast, carriers use LIS Entrance Facilities as an ***alternative*** to collocation to establish connections between their networks and Qwest's network." Qwest Apr. 4B *Ex Parte* Letter at 3 (emphasis in original).

[338] Reference to entrance facilities in general includes EUDIT since Qwest also refers to them collectively. *E.g.,* Letter from David L. Sieradzki, Counsel for Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, Thompson Colorado Pricing Declaration, Ex. JLT-CO-xx Attach. at 3, WC Docket No. 03-11 (filed Feb. 14, 2003) (Qwest Feb. 14B *Ex Parte* Letter, Thompson Colorado Pricing Decl. Attach). "Entrance facilities (i.e., entrance facilities or E-UDIT) [are] defined as the transmission path between a Qwest end office and a CLEC office." *Id.* at 3. AT&T also asserts that the same issue it raises with respect to entrance facilities applies to Qwest's UDIT and EUDIT charges for transport. AT&T Comments at 23 n.66.

competitive LECs.[339] Interoffice transport, generally, refers to direct trunked transport in the case of interconnection and unbundled dedicated interoffice transport (UDIT) in the UNE context of unbundled transport. These interoffice transport charges are flat-rated and *distance sensitive*, and apply to transport between Qwest's wire centers, end offices, or tandem switches in the same LATA and state.[340] AT&T alleges that Qwest's flat-rated, *non-distance sensitive* entrance facility charges are unlawful because they fail to reflect the way costs are incurred.[341] AT&T claims it should be able to pay a single distance sensitive rate for the entire link between its switch and the ultimate Qwest switch.[342]

101. The majority of AT&T's arguments were rejected in the *Qwest 9-State Order*.[343] As we explained there, we do not believe the Qwest rate structure for entrance facilities violates our general rate structure rules because our rules do not require distance sensitive pricing for such facilities.[344] Further, we deferred to the relevant states because AT&T had presented no evidence to conclude that they had made a clear error in applying our TELRIC rules.[345] We reach the same conclusion in this proceeding, as we explain below.

102. As a preliminary matter, AT&T raises issues related to rate design in proposing to combine the direct trunk transport rate and the entrance facility rate into a single distance

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339 AT&T Comments at 23-24; AT&T Comments Ex. 1, Declaration of Kenneth L. Wilson, paras. 7, 11-12 (AT&T Wilson Decl.).

340 *Qwest 9-State Order*, 17 FCC Rcd at 26497-98, para. 351; Letter from David L. Sieradzki, Counsel for Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, Thompson Colorado Pricing Declaration, Ex. JLT-CO-xx Attach. at 3, WC Docket No. 03-11 (filed Feb. 14, 2003) (Qwest Feb. 14B *Ex Parte* Letter, Thompson Colorado Pricing Decl. Attach) ("Direct trunk transport (i.e., DTT or UDIT) is defined as the transmission path between two Qwest end offices.").

341 AT&T Comments at 24, 27; AT&T Wilson Decl., para. 5 (citing 47 C.F.R. § 51.507, general rate structure standard).

342 AT&T Comments at 27 n.77.

343 *Qwest 9-State Order*, 17 FCC Rcd at 26497-98, paras. 351-53. Qwest also responds to AT&T's claim that Qwest "requires" competitive LECs to pay entrance facility charges by asserting that "CLECs can avoid a local interconnection trunking entrance facilities charge by choosing to employ collocated equipment, a mid-span meet, or an existing facility that was deployed for other purposes, (i.e., exchange access)." Qwest Thompson/Freeberg Reply Decl., para. 6. Qwest also argues that its SGAT provides that competitive LECs can opt to construct their own entrance facilities and impose the same charges on Qwest. *Id.*

344 *Qwest 9-State Order*, 17 FCC Rcd at 26498, para. 352. We note that Qwest has since clarified here that while EUDIT is a dedicated entrance facility, not all entrance facilities may be dedicated, as appears to be the case with local interconnection service entrance facilities that provide two-way trunking of local traffic. Qwest Apr. 4B *Ex Parte* Letter at 2-3. This does not change our analysis of these rates because our rate structure rules permit but do not require that charges for either dedicated or shared facilities be based on distance. *See* 47 C.F.R. § 51.507(b) and (c).

345 *Qwest 9-State Order*, 17 FCC Rcd at 26498, para. 352.

sensitive, flat rate element.[346] The Commission has stated that as a general matter, rate design is appropriately decided by state commissions in the first instance.[347] AT&T raises complex and fact-specific engineering and cost issues in this proceeding. The New Mexico, Oregon and South Dakota Commissions considered cost models and adjustments to inputs in extensive cost and pricing hearings at which these issues could have been raised. Each of the three state commissions demonstrated a commitment to TELRIC principles in setting UNE prices.[348] As we have made clear, it is generally impracticable for the Commission to make fact-specific findings in the context of a section 271 proceeding when the state commission's findings were not challenged in the underlying state proceeding.[349] We have previously stated that we cannot conduct a *de novo* rate proceeding in a section 271 review.[350] When a party raises a challenge to a pricing issue in the Commission's section 271 proceeding that was not raised in the state commission pricing proceedings which underlie the rates at issue without showing why it could not be raised at that time, we will not find that the objecting party persuasively rebuts the *prima facie* showing of TELRIC compliance if the BOC provides a reasonable explanation concerning the issues raised by the objecting party.[351] Moreover, we have specifically found that challenges to an entrance facility rate should be brought before state commission pricing proceedings.[352] AT&T previously did not do so.[353]

103. We note that AT&T raised the UDIT/EUDIT pricing distinction issue during state 271 proceedings held in Oregon and New Mexico. The Oregon Commission deferred the issue to its ongoing cost proceeding.[354] In New Mexico, the state commission on November 20, 2001

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346 AT&T Wilson Decl., para. 12; *see also* AT&T Comments at 24, 27 n.77; Qwest Feb. 14B *Ex Parte* Letter, Thompson Colorado Pricing Decl. Attach. at 3.

347 *BellSouth Multistate Order*, 17 FCC Rcd at 17638, para. 89 n.279 (concerning recovery of switching costs and citing the *Verizon New Jersey Order*, 17 FCC Rcd at 12300-01, para. 58 (concerning recovery of labor costs associated with DUF rates)).

348 *See* section III.B.3.b., *supra.*

349 *E.g., Verizon Vermont Order,* 17 FCC Rcd at 7636, para. 20.

350 *Id.*

351 *BellSouth Multistate Order*, 17 FCC Rcd at 17611, para. 32.

352 *Application by Verizon Virginia Inc., Verizon Long Distance Virginia, Inc., Verizon Enterprise Solutions Virginia Inc., Verizon Global Networks Inc., and Verizon Select Services of Virginia Inc., for Authorization to Provide In-Region, InterLATA Services in Virginia*, WC Docket No. 02-14, Memorandum Opinion and Order, 17 FCC Rcd 21880, 21954 at para. 133 (*Verizon Virginia Order*).

353 AT&T did not propose a different structure for dedicated transport in the cost proceedings on which rates initially were based. Qwest Feb. 14B *Ex Parte* Letter, first attachment at 1.

354 Qwest Application App. C (Oregon), Vol. 1, Tab 11, *Investigation into the Entry of Qwest Corporation, formerly known as U S West Communications, Inc., into In-Region InterLATA Services under Section 271 of the Telecommunications Act of 1996*, Oregon Commission, Workshop 3 Findings and Recommendation Report of the Commission, Docket No. UM 823 at 14-16 (Dec. 21, 2001). The Oregon Commission agreed with the ALJ's (continued….)

agreed with AT&T on an interim basis and deferred a final decision to the ongoing state cost proceeding.[355] The New Mexico Commission as an interim measure ordered Qwest to base EUDIT rates for interconnection on the flat-rate distance sensitive rate structure used for UDIT.[356] The New Mexico Commission recently found, however, that there was a discrepancy in Qwest's SGAT Exhibit A for the EUDIT rate and ordered Qwest to revise its SGAT in compliance with the state commission's prior interim order.[357] After Qwest did so,[358] AT&T now suggests that the difference between the rates for EUDIT and entrance facilities in New Mexico is evidence that Qwest's entrance facility rates are not TELRIC compliant.[359] The New Mexico Commission modified the EUDIT rate as an interim measure in response to AT&T raising its claims in the state 271 proceeding. To the extent that AT&T believes that the EUDIT rate should be applied to all entrance facilities in New Mexico, AT&T should also raise this fact-intensive rate issue with the New Mexico Commission, rather than raising it for the first time in this section 271 proceeding.[360] Since Qwest's updated SGAT in New Mexico currently reflects

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recommendation not to "prejudge" this issue in the state 271 proceeding since it was pending in the open UM 1025 cost docket. *Id.* at 15-16.

[355] Qwest Application App. C (New Mexico), Vol. 1, Tab 5, *Qwest Corporation's Section 271 Application and Motion for Alternative Procedure to Manage the Section 271 Proces*s, New Mexico Commission, Order Regarding Facilitator's Report on Checklist Item 2 (Access to Unbundled Network Elements), Checklist Item 4 (Access to Unbundled Loops), Checklist Item 5 (Access to Unbundled Local Transport) and Checklist Item 6 (Access to Unbundled Local Switching), Utility Case No. 3269 at 68-70 (Nov. 20, 2001).

[356] *Id.* at 69-70. The New Mexico Commission decided as an interim measure, until the issue could be addressed in the ongoing cost docket, "pricing for the UDIT/EUDIT UNE (the entire dedicated transport link between points) should be based on a distance sensitive, flat rate charge, modeled on Qwest's current UDIT rate structure." Qwest was given "the option in [the state] cost docket of revising its UDIT/EUDIT rates to reflect the difference in the cost of service (assuming such a showing can be made)." *Id.* AT&T, however, did not participate initially in Phase A or B of the cost docket (Docket No. 3495). Letter from David L. Sieradzki, Counsel for Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 4A, 2003) (Qwest Mar. 4A *Ex Parte* Letter). We note that the New Mexico Commission reopened Phase A of this docket on March 20, 2003, allowing parties an added chance to address EUDIT pricing.

[357] *Qwest Corporation's Section 271 Application and Motion for Alternative Procedure to Manage the Section 271 Process and Consideration of Costing and Pricing Rules for OSS, Collocation, Shared Transport, Non-Recurring Charges, Spot Frames, Combination of Network Elements and Switching, and Qwest Corporation's Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996*, Order Regarding Interim Pricing Structure for Extended Unbundled Dedicated Interoffice Transport, Utility Case Nos. 3269, 3495 and 03-00025-UT (March 20, 2003) (*New Mexico Commission EUDIT Compliance Order*).

[358] Qwest revised its EUDIT rate on March 27, 2003 in the Second Amended Exhibit A to Qwest's Eleventh Revised SGAT in New Mexico. Letter from David L. Sieradzki, Counsel for Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 28A, 2003) (EUDIT Pricing *Ex Parte*) (attaching Qwest's compliance filing in response to the state commission order).

[359] AT&T Apr. 1A *Ex Parte* Letter at 3.

[360] AT&T cites information which apparently was previously provided by Qwest in the *Qwest 9-State Order* to support AT&T's assertion that EUDIT and entrance facility charges should be the same. AT&T Apr. 1A *Ex Parte* (continued….)

the rate structure that AT&T desires for EUDIT, and this issue is properly before the New Mexico Commission in present cost proceedings, we address AT&T's overall criticism of the entrance facility rates for all three states and of the EUDIT in Oregon and South Dakota.[361]

104. AT&T presents some evidence here that it did not raise in the *Qwest 9-State Order* to support its basic contention -- that the charge for trunks between a competitive LEC switch and a Qwest switch should be priced the same way as trunks between Qwest switches because there is "no economic or engineering difference whatsoever" between these two types of facilities.[362] AT&T seeks to refute Qwest's position that there are economies of scale and scope that reduce the per-trunk cost for trunks between Qwest offices, compared with entrance facilities.[363] AT&T further disputes Qwest's contention that costs for entrance facilities also are higher because they require additional electronics.[364] AT&T argues, in large part, that since the calling volumes of these two facilities are comparable, so are their economies of scale and the amount of electronics equipment they require.[365]

105. Qwest disputes AT&T's argument that entrance facilities and interoffice transport experience comparable calling volumes. Qwest provides evidence that interoffice transport facilities serve multiple purposes, including carrying its own traffic routed in multiple directions through its network and the additional traffic of numerous competitive LECs and interexchange carriers.[366] As a result, Qwest states that "interoffice transport circuits generally run over much

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Letter at 3; *Qwest 9-State Order*, 17 FCC Rcd at 26497, paras. 351 n.1284. As we noted above, Qwest in this proceeding clarifies that while entrance facilities and the EUDIT element are functionally similar, they are different in several respects and are distinct offerings in the SGAT. Qwest Apr. 4B *Ex Parte* Letter at 2-3.

361 As noted above, we do not base our decision on the rate design or structure for UDIT/EUDIT that a particular state has implemented, but rather, we rely on whether states comply with TELRIC principles and our rules.

362 AT&T Comments at 24.

363 AT&T Comments at 25; AT&T Wilson Decl. at paras. 13-15; AT&T Apr. 1A *Ex Parte* Letter at 1-3. In the *Qwest 9-State Order,* the Commission noted that AT&T had not refuted Qwest's assertions regarding economies of scale and the need for additional electronics for links to competitive LEC offices. *Qwest 9-State Order*, 17 FCC Rcd at 26498, para. 353.

364 AT&T Comments at 26-27; AT&T Wilson Decl. at paras.16-19; AT&T Apr. 1A *Ex Parte* Letter at 1-3. "[T]he electronics necessary for these 'entrance facilities' are comparable to those Qwest uses on its own interoffice transport." AT&T Comments at 26.

365 AT&T Comments at 25. "Given that Qwest and CLECs are exchanging a very large volume of traffic between large switches over these 'entrance facilities,' it should be apparent that the 'economies of scale and scope' for such facilities are comparable to those on transport between Qwest switches." *Id.*; *see also* AT&T Wilson Decl., para. 15. "[T]hese [entrance] facilities frequently carry call volumes comparable on average to call volumes on transport connecting Qwest's wire centers [and] the electronics necessary for these 'entrance facilities' are comparable to those Qwest uses on its own interoffice transport." AT&T Wilson Decl., para. 16.

366 Qwest Feb. 14B *Ex Parte* Letter, first attachment at 3. Since the Qwest wire center, unlike a competitive LEC switch, is often a hub for multiple provider traffic, according to Qwest, AT&T's comparison of the size of a competitive LEC switch with that of an incumbent LEC in terms of number of lines served, is not necessarily indicative of the amount of traffic that is transported over the interoffice facility versus the entrance facility. Qwest (continued….)

higher capacity transmission facilities than entrance facilities."[367] Consequently, greater economies of scale are realized for interoffice transport than entrance facilities because "all else being equal, any given DS1 capacity costs much less to provide when deployed over a high-capacity transmission facility, containing many other such circuits over which the placement and other costs can be spread."[368] Qwest contends that entrance facilities have only one purpose -- to connect a competitive LEC point of presence with a Qwest wire center.[369] Accordingly, lower capacity transmission facilities are used and fewer opportunities exist to spread costs across multiple uses. Qwest also contends that entrance facilities require additional electronic equipment that raises their cost compared with interoffice facilities.[370] It challenges AT&T's assertion that "there is minimal need for multiplexing functions at the Qwest 'serving wire centers' connected to CLEC 'entrance facilities'"[371] by explaining why Qwest believes entrance facilities do require additional multiplexers or other electronic equipment.[372]

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Reply at 46; Qwest Thompson/Freeberg Reply Decl., para. 11. *But see* AT&T Apr. 1A *Ex Parte* Letter at 1-2 (asserting that "[a] CLEC carries all types of traffic between its switch and the Qwest switch . . . just as Qwest does between its own offices.").

[367] Qwest Feb. 14B *Ex Parte* Letter, first attachment at 3. "For example, in Oregon, New Mexico and South Dakota, Qwest has not provisioned any entrance facilities to CLECs using a system with a capacity higher than OC-3; by contrast, in Oregon and New Mexico, 96% to 100% of Qwest's interoffice transmission facilities are at OC-48 capacity." Qwest Thompson/Freeberg Reply Decl., para. 12. In South Dakota, Qwest states about 65% of its interoffice facilities are at OC-48. Qwest Reply at 46.

[368] Qwest Feb. 14B *Ex Parte* Letter, first attachment at 3; *see also* Qwest Thompson/Freeberg Reply Decl., paras. 10-12.

[369] Qwest Feb. 14B *Ex Parte* Letter, first attachment at 2; Qwest Thompson/Freeberg Reply Decl., para. 11.

[370] Qwest Reply at 47.

[371] AT&T Wilson Decl., para. 18; Qwest Feb. 14B *Ex Parte* Letter, first attachment at 3. "An interoffice circuit linking any two Qwest central offices within a local calling area, more often than not, originates at one office and terminates at the other *without* passing through an intermediate office, and thus *without* any need for intervening electronics, because Qwest offices commonly have direct links to most other offices in the local calling area. By contrast, CLEC offices rarely have direct links to more than one or two offices in the area, and thus in most cases dedicated circuits must pass through an intermediate point (the serving wire center) and must be accompanied by additional multiplexers or other electronic equipment." Qwest Feb. 14B *Ex Parte* Letter, first attachment at 3 (emphasis in original). This is because, according to Qwest "traffic on an entrance facility is destined for multiple Qwest wire centers and must be disaggregated and multiplexed to the higher interoffice transport level." Qwest Reply at 47.

[372] Qwest Feb. 14B *Ex Parte* Letter, first attachment at 3. Qwest states that the highest level of competitive LEC aggregated traffic that will be terminating at many Qwest wire centers is no larger than OC-3 and therefore, electronic equipment is required to multiplex and regenerate this traffic. "[T]he OC-3 level of traffic must be multiplexed down at the serving wire center, distributed to multiple interoffice facilities and multiplexed up to the OC-48 level for interoffice transport." Qwest Thompson/Freeberg Reply Decl., para. 14. Qwest also asserts, "The circuit generation electronics that must accompany these multiplexers cause the primary cost of handling this traffic and are properly recovered in flat rates instead of mileage sensitive rates." *Id. But see* AT&T Apr. 1A *Ex Parte* Letter at 2.

106. We find that AT&T has provided insufficient evidence to support its argument that the economies of scale and required electronics for interoffice transport and entrance facilities must be comparable because the facilities have similar calling volumes. This falls far short of establishing any TELRIC error in Qwest's entrance facility rate based on an analysis of costs. Based on this record, we find that Qwest presents a reasonable response to AT&T's claim that there is no cost or engineering difference between entrance facility trunks and interoffice transport trunks to justify different rates.

107. We also find that Qwest presents a reasonable response to AT&T's criticism of Qwest's entrance facility rate structure. Qwest states that its structure reflects the way costs are incurred because the dominant cost driver for entrance facilities (which tend to be short) are central office electronics that "do not vary significantly with distance;" thus, Qwest asserts, non-distance sensitive rates here are appropriate.[373] Furthermore, according to Qwest, the significant cost driver for interoffice facilities which tend to be substantially longer is outside plant that is distance sensitive; thus, Qwest asserts that distance sensitive rates in the case of interoffice transport are proper.[374] Qwest also notes that New Mexico, Oregon and South Dakota are among several states that allow entrance facilities to have a separate rate that is not distance sensitive,[375] and that other states have adopted the rate structure with a distance sensitive element that AT&T supports.[376] As we explained above, our rules permit entrance facilities to have a distance sensitive component but do not require it,[377] and we generally defer to the states on UNE pricing issues unless we conclude that the state has made a clear error in applying our TELRIC rules.[378]

108. We find that AT&T has not provided any evidence that any state commission committed clear TELRIC error on the issue of entrance facility pricing, and accordingly, we defer to the states. Furthermore, AT&T's ongoing disagreement with Qwest over whether entrance facilities are the same as interoffice facilities is precisely the kind of complex, technical and fact-intensive dispute that the Commission has stated it does not have the time or resources to resolve during its 90-day statutory review period.[379] AT&T has the opportunity to bring its

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373 Qwest Feb. 14B *Ex Parte* Letter, first attachment at 2. Entrance facilities average 2-3 miles, according to Qwest, and central office electronics account on average for 73% of DS1 entrance facility costs and 80% for DS3. *Id.*

374 Qwest Feb. 14B *Ex Parte* Letter, first attachment at 2. Interoffice transport facilities average 10-20 miles, according to Qwest, and outside plant accounts on average for 55-90% of a DS1 and DS3 facility costs (depending on distance and circuit capacity). Qwest Thompson/Freeberg Reply Decl., paras. 8-9.

375 Qwest Feb. 14B *Ex Parte* Letter, first attachment at 1 and Thompson Colorado Pricing Decl. Attach. at 1-3.

376 *Id. E.g.,* Colorado, Utah and Massachusetts have entrance facilities that are based on a flat-rate distance sensitive element. Qwest Feb. 14B *Ex Parte* Letter, Thompson Colorado Pricing Decl. Attach. at 1-3.

377 47 C.F.R. §§ 51.507 (b) and (c); *see* para.101, *supra*.

378 *E.g., Qwest 9-State Order*, 17 FCC Rcd at 26498, para. 352.

379 *E.g., SWBT Texas Order*, 15 FCC Rcd at 18375, para. 51; *BellSouth Multistate Order*, 17 FCC Rcd at 17643, para. 97.

proposal and the underlying engineering and cost model assumptions before the three state commissions in present cost proceedings, and the state commissions have demonstrated a willingness to give this full consideration. In light of no party having raised this issue in prior state cost proceedings, AT&T's unsupported assertions and Qwest's reasonable explanation of why entrance facilities may have a different rate and rate structure than interoffice transport, we find that AT&T has failed to persuasively rebut Qwest's *prima facie* showing of TELRIC compliance.

D. Checklist Item 7 – 911/E911 Access & Directory Assistance/Operator Svcs.

1. 911 and E911 Access

109. Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]on discriminatory access to 911 and E911 services."[380] A BOC must provide competitors with access to its 911 and E911 services in the same manner that it provides such access to itself, *i.e.*, at parity.[381] Specifically, the BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers."[382] We find, as did the state commissions,[383] that Qwest provides nondiscriminatory access to 911 and E911 services.[384] We reject WorldCom's generalized assertion that Qwest missed regional performance metrics with respect to its trouble rate for E911 (MR-8). WorldCom claims that Qwest repeatedly missed statistical parity for E911 trunk trouble rates.[385] In reply, Qwest states that its trouble rate for 911/E911 was zero for New Mexico and South Dakota, and at parity for Oregon.[386] We have reviewed the E911 performance metric categories WorldCom addresses for each of the application states and find that the record does not reflect a systemic problem because Qwest satisfies the PID for all three states.

2. Directory Assistance / Operator Services

110. Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's

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380 47 U.S.C. § 271(c)(2)(B)(vii).

381 *Bell Atlantic New York Order*, 15 FCC Rcd at 4130-31, para. 349 (citing *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256).

382 *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256.

383 New Mexico Commission Comments at 31; Oregon Commission Comments at 13; South Dakota Commission Comments at 5.

384 *See* Qwest Application at 84; *see also* Qwest Application App. A, Tab 17, Declaration of Margaret S. Bumgarner, paras. 45-54.

385 *See* WorldCom Comments at 18, App. Declaration of Sherry Lichtenberg, para. 32.

386 *See* Qwest Reply at 44.

customers to obtain telephone numbers" and "operator call completion services," respectively.[387] Additionally, section 251(b)(3) of the 1996 Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to . . . operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[388] Based on our review of the record, we conclude, as did each of the state commissions,[389] that Qwest offers nondiscriminatory access to its directory assistance services and operator services (OS/DA).[390] We note that no commenter challenges Qwest's compliance with this part of checklist item 7.

E. Remaining Checklist Items

111. In addition to showing compliance with the statutory requirements discussed above, an applicant for section 271 authority must demonstrate that it complies with checklist item 3 (poles, ducts, and conduits),[391] item 6 (unbundled local switching),[392] item 8 (white pages),[393] item 9 (numbering administration),[394] item 10 (data bases and signaling),[395] item 11 (number portability),[396] item 12 (local dialing parity),[397] item 13 (reciprocal compensation),[398] and item 14 (resale).[399] Based on the evidence in this record, we conclude, as did each of the state

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387 47 U.S.C. § 271(c)(2)(B)(vii)(II)-(III). *See also Bell Atlantic New York Order*, 15 FCC Rcd at 4131, para. 351.

388 47 U.S.C. § 251(b)(3). We have previously held that a BOC must be in compliance with section 251(b)(3) in order to satisfy sections 271(c)(2)(B)(vii)(II) and (III). *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740 n.763. *See also Bell Atlantic New York Order*, 15 FCC Rcd at 4132-33, para. 352.

389 New Mexico Commission Comments at 31; Oregon Commission Comments at 13; South Dakota Commission Comments at 5.

390 *See* Qwest Application at 86-87. *See also* Qwest Application App. A, Tab 18, Declaration of Lori A. Simpson, paras. 59-66.

391 47 C.F.R. § 271(c)(2)(B)(iii).

392 47 C.F.R. § 271(c)(2)(B)(vi).

393 47 C.F.R. § 271(c)(2)(B)(viii).

394 47 C.F.R. § 271(c)(2)(B)(ix).

395 47 C.F.R. § 271(c)(2)(B)(x).

396 47 C.F.R. § 271(c)(2)(B)(xi).

397 47 C.F.R. § 271(c)(2)(B)(xii).

398 47 C.F.R. § 271(c)(2)(B)(xiii).

399 47 C.F.R. § 271(c)(2)(B)(xiv).

commissions, that Qwest complies with the requirements of all of these checklist items.[400] None of the commenting parties challenge Qwest's compliance with these items.

V. SECTION 272 COMPLIANCE

112. Section 271(d)(3)(B) requires that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[401] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[402] Together, these safeguards discourage, and facilitate the detection of, improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[403] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[404] As the Commission stated in prior section 271 orders, compliance with section 272 is "of crucial importance" because the structural, transactional, and nondiscrimination safeguards of section 272 seek to ensure that BOCs compete on a level playing field.[405]

113. Based on the record, we conclude that Qwest Corporation (QC) and Qwest LD Corp. (QLDC), its section 272 affiliate, have demonstrated compliance with the requirements of section 272.[406] Further, as discussed below, we conclude that we need not address issues related

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400 New Mexico Commission Comments at 31and 50-51; Oregon Commission Comments at 12-15; and South Dakota Commission Comments at 5.

401 47 U.S.C. § 271(d)(3)(B); *see also* Appendix K.

402 *See Implementation of the Accounting Safeguards Under the Telecommunications Act of 1996*, CC Docket No. 96-150, Report and Order, 11 FCC Rcd 17539 (1996) (*Accounting Safeguards Order*), Second Order On Reconsideration, 15 FCC Rcd 1161 (2000); *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), First Order on Reconsideration, 12 FCC Rcd 2297 (1997), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997), *aff'd sub nom. Bell Atlantic Tel. Cos. v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997), Third Order on Reconsideration, 14 FCC Rcd 16299 (1999).

403 *See Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, para. 15; *Accounting Safeguards Order*, 11 FCC Rcd at 17550, para. 24; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

404 *See Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, paras. 15-16; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

405 *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346; *see SWBT Texas Order*, 15 FCC Rcd at 18549, para. 395.

406 QLDC is a switchless reseller which is a wholly-owned subsidiary of Qwest Services Corporation, which in turn, is a wholly owned subsidiary of QCII. QLDC was formed in the face of a number of accounting difficulties which prevented Qwest from certifying whether certain of its financial statements were in compliance with GAAP. *Qwest 9-State Order* at paras. 382-383. As we noted in approving Qwest's previous application, the *Qwest 9-State Order,* the Commission has allowed BOCs considerable flexibility in how they structure their section 272 affiliates. *Id.* at para. 386.

to the possible provisioning of in-region, interLATA services through Qwest Communications Corporation (QCC) because Qwest has not made an affirmative showing to certify QCC's financial statements pursuant to section 272(b)(2).[407]

114. In the *Qwest 9-State Order*, the Commission noted that its judgment about Qwest's compliance with section 272 is a predictive one, as required by section 271(d)(3)(B) of the Act.[408] Specifically, our task is to determine whether Qwest's section 272 affiliate, QLDC, will be complying with this requirement on the date of authorization, and thereafter.[409] We focus our discussion on those areas where commenters challenge Qwest's compliance with these requirements.

115. We conclude that Qwest has adequately demonstrated that QLDC will be the entity providing in-region, interLATA service originating in the three states that are the subject of this application.[410] We reject the argument that the application, as filed by QC, poses significant freeze frame issues.[411] The sole objection regarding Qwest's compliance with its section 272

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[407] The New Mexico Commission and the South Dakota Commission declined to make a recommendation regarding Qwest's compliance with section 272. New Mexico Commission Comments at 58-60; South Dakota Commission Comments at 7. The Oregon Commission found Qwest to be in compliance with these obligations. Oregon Commission Comments at 16-17.

[408] Several courts have addressed the Commission's discretion to make predictive judgments. In different contexts, the United States Supreme Court has recognized that the Commission must necessarily make difficult predictive judgments in order to implement certain provisions of the Communications Act. *See FCC v. WNCN Listeners Guild*, 450 U.S. 582, 594-96 (1981) (recognizing that the Commission's decisions must sometimes rest on judgment and prediction rather than pure factual determinations) (citing *FCC v. Nat'l Citizens Comm. for Broadcasting*, 436 U.S. 775, 813-14 (1978)); *NAACP v. FCC*, 682 F.2d 993 (D.C. Cir. 1982) ("greater discretion is given administrative bodies when their decisions are based upon judgmental or predictive conclusions"); s*ee also Pub. Util. Comm'n of State of Cal. v. F.E.R.C.*, 24 F.3d 275, 281 (D.C. Cir. 1994) (acknowledging that predictions regarding the actions of regulated entities are the type of judgments that courts routinely leave to administrative agencies). Indeed, we note that determining whether a BOC's section 271 application meets the requirements of the competitive checklist, the requirements of section 272, and is consistent with the public interest, convenience and necessity requires the Commission to engage in highly complex, fact-intensive analyses. *See* 47 U.S.C. § 271(d)(3).

[409] Qwest Application at 153-163. *See also Qwest 9-State Order*, paras. 393-418. In the *Qwest 9-State Order*, we approved Qwest's compliance with the section 272 affiliate safeguards. In particular, as in the instant case, we approved Qwest's use of QLDC as its section 272 affiliate. *Id.*

[410] *Cf. AT&T Corp. v. U S WEST Corp*., 13 FCC Rcd 21438 at 21465-66, para. 37 ("*Qwest Teaming Order*"), *aff'd sub nom. U.S. West Communications, Inc. v. FCC*, 177 F.3d 1057 (D.C. Cir. 1999), *cert. denied,* 528 U.S. 1188 (2000). In the *Qwest Teaming Order*, the Commission considered the totality of the circumstances, rather than focusing on any one particular activity, in assessing whether the BOC was providing interLATA service within the meaning of section 271. *Id.* In making its determination, the Commission considered several factors, including whether the BOC was effectively holding itself out as a provider of long distance service, and whether the BOC was performing activities and functions that were typically performed by those who are legally or contractually responsible for providing interLATA service to the public. *Id.* Similarly, we consider, for purposes of this section 271 application, the totality of the circumstances in determining whether QLDC is the entity that will be providing originating in-region, interLATA service.

[411] Touch America Comments at 2-4.

obligations was filed by Touch America based on Qwest's stated intent to eventually designate QCC as an active section 272 affiliate and to potentially do so during the pendency of this application.[412] Qwest provides support for its assertion that QLDC complies with the requirements set forth in section 272. Qwest states, however, that it intends to eventually designate QCC as its active section 272 affiliate and to begin providing in-region interLATA services on a facilities basis through QCC. Qwest states that it intends to do this as soon as it is able to certify QCC's financial statements. Qwest stated that if this occurred during the pendency of this application, Qwest would file additional information regarding compliance with section 272(b)(2). Qwest provided no such information in the record. Thus, we need only address the application as filed. Given that we have previously approved an application by Qwest using QLDC as its 272 application, it is clear that QLDC can serve as the 272 affiliate here. In the event that Qwest does "merge" QLDC with another entity in the future, Qwest must, of course, comply with all of the Commission's rules.

VI. PUBLIC INTEREST ANALYSIS

116. Apart from determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[413] At the same time, section 271(d)(4) of the Act states that "[t]he Commission may not, by rule or otherwise, limit or extend the terms used in the competitive checklist set forth in subsection (c)(2)(B)."[414] Accordingly, although the Commission must make a separate determination that approval of a section 271 application is "consistent with the public interest, convenience, and necessity," it may neither limit nor extend the terms of the competitive checklist of section 271(c)(2)(B). Thus, the Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will serve the public interest as Congress expected.

117. We conclude that approval of this application is consistent with the public interest.[415] From our extensive review of the competitive checklist, which embodies the critical elements of market entry under the Act, we find that barriers to competitive entry in the application states' local exchange markets have been removed, and that these local exchange markets are open to competition. We find further that the record confirms the Commission's view that BOC entry into the long distance market will benefit consumers and competition if the

412 Touch America Comments at 2-4. Touch America argues that Qwest's application violates the Commission's "complete-as-filed" rule. Touch America's argument is not relevant given that we find section 272 compliance with regard to QLDC only and therefore need not address Qwest's showing with regard to QCC.

413 47 U.S.C. § 271(d)(3)(C); Appendix F at paras. 70-71.

414 47 U.S.C. § 271(d)(4).

415 We note that Sprint makes a vague reference to "price squeeze" but has not stated a specific claim supported by pricing or other evidence in order to establish such a violation. Sprint Comments at 3.

relevant local exchange market is open to competition consistent with the competitive checklist.[416]

118. We disagree with Sprint's assertions that we must, under our public interest standard, consider a variety of other factors as evidence that the local market is not yet truly open to competition, despite checklist compliance.[417] For example, Sprint argues that low levels of entry in the application states indicate that the application is not in the public interest.[418] We note that Congress specifically declined to adopt a market share or other similar test for BOC entry into long distance.[419] Given an affirmative showing that the competitive checklist has been satisfied, low customer volumes or the failure of any number of companies to enter the market in and of themselves do not necessarily undermine that showing. As the Commission has stated in previous section 271 orders, factors beyond the control of the BOC, such as individual competitive LEC entry strategies, can explain low levels of residential competition.[420]

A. Assurance of Future Compliance

119. As set forth below, we find that the performance assurance plans (PAP) that will be in place in the three states provide assurance that the local market will remain open after Qwest receives section 271 authorization in these states. We find that these plans fall within a zone of reasonableness and are likely to provide incentives that are sufficient to foster post-entry checklist compliance. In prior orders, the Commission has explained that one factor it may consider as part of its public interest analysis is whether a BOC would have adequate incentives to continue to satisfy the requirements of section 271 after entering the long distance market.[421] Although it is not a requirement for section 271 authority that a BOC be subject to such performance assurance mechanisms, the Commission has stated previously that the existence of a satisfactory performance monitoring and enforcement mechanism would be probative evidence that the BOC will continue to meet its section 271 obligations after a grant of such authority.[422] The three state PAPs, in combination with the respective commission's active oversight of its

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416 *See SWBT Texas Order*, 15 FCC Rcd at 18558-89, para. 419.

417 Those factors include the level of competitive LEC market share, the financial strength of competitive LECs, and the failure of other BOCs to enter the market in the application states. Sprint Comments at 4-11.

418 Sprint Comments at 9-10.

419 *See, e.g., Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77; *Sprint v. FCC*, 274 F.3d at 553-54.

420 *See Verizon Pennsylvania Order*, 16 FCC Rcd 17487, para. 126.

421 *See, e.g., Verizon Pennsylvania Order*, 16 FCC Rcd at 17487-88, para. 127.

422 *Ameritech Michigan Order*, 12 FCC Rcd at 20748-50, paras. 393-398. We note that in all of the previous applications that the Commission has granted to date, the applicant was subject to an enforcement plan administered by the relevant state commission to protect against backsliding after BOC entry into the long-distance market. These mechanisms are generally administered by state commissions and derive from authority the states have under state law or under the federal Act. As such, these mechanisms can serve as critical complements to the Commission's authority to preserve checklist compliance pursuant to section 271(d)(6).

PAP, and these commissions' stated intent to undertake comprehensive reviews to determine whether modifications are necessary, provide additional assurance that the local market in the three application states will remain open.[423]

120. The PAPs submitted here are modeled after the Texas plan and closely resemble the PAPs the Commission reviewed in the recently approved *Qwest 9-State Order*.[424] The New Mexico, Oregon and South Dakota PAPs were developed in a multi-state review process that began with the SBC Texas PAP.[425] Following the multi-state review process, the state commissions in each of these states separately received comment from parties and held either hearings or oral arguments on their PAPs.[426] We note that the three state commissions have approved the PAPs proposed in their states, which will go into effect with approval of this application. The PAPs are similar in all relevant respects to those in the recently approved *Qwest 9-State Order*.[427]

121. We conclude that the three application states' respective PAPs provide incentives to foster post-entry checklist compliance. As in prior section 271 orders, our conclusions are based on a review of several key elements in the performance remedy plan: total liability at risk in the plan; performance measurement and standards definitions; structure of the plan; self-executing nature of remedies in the plan; data validation and audit procedures in the plan; and accounting requirements.[428] The structure of these plans is similar to tiered plans that the

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[423] New Mexico Commission Final Order at 26-34; Oregon Commission Comments at 16; Oregon Workshop 4, Part 2 Report at 58-93; South Dakota Commission Reply at 3-4; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1-2 (filed February 21A 2003) (Qwest Feb. 21A *Ex Parte* Letter). The South Dakota Commission has reached an agreement with Qwest and does not find fault with the new Qwest South Dakota PAP. Qwest Reply at 52-53; South Dakota Commission Reply at 3-4; Letter from Hance Haney, Executive Director – Federal Regulatory, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11, Attach. 2, (filed February 26D 2003) (Qwest Feb. 26D *Ex Parte* Letter). Qwest Application, App. E, Tab 1, South Dakota Performance Assurance Plan at 18-21 (New Mexico PAP); Qwest Application, App. E, Tab 2, Oregon Performance Assurance Plan at 18-21 (Oregon PAP), Qwest Application, App. E, Tab 3, South Dakota Performance Assurance Plan at 19-21 (South Dakota PAP).

[424] Qwest Application at 169; *SWBT Texas Order*, 15 FCC Rcd at 18560, para. 421; *Qwest 9-State Order*, 17 FCC Rcd at 26546-48, para. 442.

[425] Qwest Application App. A, Tab 30, Declaration of Mark S. Reynolds on the New Mexico Performance Assurance Plan (Qwest Reynolds-New Mexico PAP Decl.) at paras. 4-7; Qwest Application App. A, Tab 31, Declaration of Mark S. Reynolds on the Oregon Performance Assurance Plan (Qwest Reynolds-Oregon PAP Decl.) at paras. 4-6; Qwest Application App. A, Tab 32, Declaration of Mark S. Reynolds on the South Dakota Performance Assurance Plan (Qwest Reynolds-South Dakota PAP Decl.) at paras. 4-6.

[426] Qwest Reynolds-New Mexico PAP Decl., para. 6; Qwest Reynolds-Oregon PAP Decl., para. 5; Qwest Reynolds-South Dakota PAP Decl., para. 5.

[427] Qwest Application at 169-173; Qwest Reply at 52-53.

[428] *See, e.g.*, *Qwest 9-State Order,* 17 FCC Rcd. at 26546-48, para. 442.

Commission recently approved in the *Qwest 9-State Order*.[429] The PAPs vary in the amount at risk, but are in line with those the Commission has previously considered.[430] The PAPs include provisions for continuing review of the PAP by the state commission.[431] We also note that the PAPs include provisions for audits and provisions that impose penalties on Qwest for submitting incomplete or revised reports and/or reports found to require revision.[432]

122. As the Commission has stated in prior orders, the PAP is not the only means of ensuring that a BOC continues to provide nondiscriminatory service to competing carriers.[433] In addition to the monetary payments at stake under each plan, we believe Qwest faces other consequences if it fails to sustain an acceptable level of service to competing carriers, including enforcement provisions in interconnection agreements, federal enforcement action pursuant to section 271(d)(6), and remedies associated with antitrust and other legal actions.

123. We disagree with AT&T's contention that the South Dakota PAP will not deter backsliding. The South Dakota Commission has approved the recently revised Qwest South Dakota PAP, thus removing the basis for AT&T's criticisms.[434] No other commenter has voiced concerns about the PAPs in this application. As noted above, the PAPs are similar in all relevant respects to the PAPs in the recently approved *Qwest 9-State Order*.

B. Unfiled Interconnection Agreements

124. We find that Qwest's previous failure to file certain interconnection agreements with the application states does not warrant a denial of this application. We conclude, as in the *Qwest 9-State Order*, that concerns about any potential ongoing checklist violation (or discrimination) are met by Qwest's submission of agreements to the commissions of the application states pursuant to section 252 and by each state acting on Qwest's submission of

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[429] *Qwest 9-State Order*, 17 FCC Rcd at 26546-48, para. 442; Qwest Application at 170-173; Qwest Reply at 52-53; Qwest Reynolds-New Mexico PAP Decl., paras. 9, 20-24; Qwest Reynolds-Oregon PAP Decl., paras. 8, 19-23; Qwest Reynolds-South Dakota PAP Decl., paras. 8, 22-26; Qwest Feb. 26D *Ex Parte* Letter, Attach. 2.

[430] The New Mexico cap is set at 44 percent of ARMIS Net Return; the Oregon cap is set at 36 percent (and may be increased to a maximum cap of 44 percent or decreased to 30 percent upon a specific Oregon Commission finding); the South Dakota cap is set at 36 percent (subject to increase or decrease in specified circumstances). Qwest Application at 171-172; New Mexico PAP section 12; Oregon PAP section 12; South Dakota PAP section 12.; Qwest Feb. 26D *Ex Parte* Letter, Attach. 2, section 12.

[431] New Mexico PAP section 16; Oregon PAP section 16; South Dakota PAP section 16; Qwest Feb. 26D *Ex Parte* Letter, Attach. 2, section 16.

[432] New Mexico PAP sections 14-15; Oregon PAP sections 14-15; South Dakota PAP sections 14-15; Qwest Feb. 26D *Ex Parte* Letter, Attach. 2, sections 14-15.

[433] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4165, para. 430; *SWBT Texas Order*, 15 FCC Rcd at 18560, para. 421; *Verizon Pennsylvania Order* 16 FCC Rcd at 17489, para. 130.

[434] Qwest Reply at 52-53; Qwest Mar. 21A *Ex Parte* Letter at 1-2; South Dakota Commission Reply at 3-4; AT&T Comments at 37-42.

those agreements.[435] Although this record does not demonstrate ongoing discrimination, parties remain free to present other evidence of ongoing discrimination, for example, through state commission enforcement processes or to this Commission in the context of a section 208 complaint proceeding.[436] Further, to the extent any past discrimination existed, we anticipate that any violations of the statute or our rules will be addressed expeditiously through federal and state complaint and investigation proceedings.[437]

1. Background

125. *Declaratory Order*. On October 4, 2002, the Commission released a memorandum opinion and order granting in part and denying in part Qwest's petition for declaratory ruling on which types of negotiated contractual arrangements between the incumbent LECs and competitive LECs are subject to mandatory filing and state commission requirements of section 252(a)(1).[438] In the *Declaratory Order*, we found that an agreement that creates an ongoing obligation pertaining to resale, number portability, dialing parity, access to rights-of-way, reciprocal compensation, interconnection, unbundled network elements, or collocation is an interconnection agreement that must be filed pursuant to section 252(a)(1).[439] We also found that, unless the information is generally available to carriers, agreements addressing dispute resolution and escalation provisions relating to the obligations set forth in sections 251(b) and (c) are appropriately deemed interconnection agreements.[440] Further, we stated our belief that the state commissions should be responsible for applying, in the first instance, the statutory interpretation set forth in the *Declaratory Order*.[441]

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435 *See Qwest 9-State Order*, 17 FCC Rcd at 26553-77, paras. 453-486.

436 *Id.* at 26554, para. 454.

437 *Id*.

438 *Qwest 9-State Order*, 17 FCC Rcd at 26558, para. 459, citing *Qwest Communications International, Inc. Petition for Declaratory Ruling On the Scope of the Duty to File and Obtain Prior Approval of Negotiated Contractual Arrangements Under Section 252(a)(1),* Memorandum Opinion and Order, WC Docket No. 02-89, 17 FCC Rcd 19337 (October 4, 2002) (*Declaratory Order*); *Qwest 9-State Order*, 17 FCC Rcd at 26555, para. 456, citing *Petition for Declaratory Ruling of Qwest Communications International Inc.*, WC Docket No. 02-89 at 3 (2002) (*Qwest Section 252 Petition*). We stated, in the *Declaratory Order*, the types of contractual arrangements that need not be filed: (1) settlement agreements that simply provide for backward-looking consideration that do not affect an incumbent LEC's ongoing obligations relating to section 251; (2) forms completed by carriers to obtain service pursuant to terms and conditions set forth in an interconnection agreement; and (3) agreements with bankrupt competitors that are entered into at the direction of a bankruptcy court or trustee and do not otherwise change the terms and conditions of the underlying interconnection agreement. *See Qwest 9-State Order*, 17 FCC Rcd at 26558, para. 459; *Declaratory Order*, 17 FCC Rcd at 19341-43, paras. 9-14.

439 *Declaratory Order*, 17 FCC Rcd at 19341, para. 8.

440 *Declaratory Order*, 17 FCC Rcd at 19341, para. 9.

441 *Declaratory Order*, 17 FCC Rcd at 19340, para. 7.

126. *January 2003 Filings*. In applying the declaratory ruling, we found in the *Qwest 9-State Order* that a Qwest/Allegiance Internetwork Calling Name Delivery Service Agreement did not appear, on its face, to fall within the scope of the filing requirement exceptions set forth in the Commission's declaratory ruling, and accordingly, it likely should have been filed with the states.[442] Pursuant to our determination on this issue, Qwest has filed similar contracts in January with the application states for approval under section 252.[443] Qwest filed three contracts in New Mexico on January 9 and January 10, 2003, and filed three contracts in Oregon on January 9, 2003.[444] Qwest filed eight such contracts in South Dakota on January 13, 2003.[445]

127. *State Proceedings*. The status of each proceeding in the application states regarding the issue of unfiled agreements is detailed below.[446] The application states did not find that concerns with the unfiled agreements render Qwest's section 271 application contrary to the public interest. In fact, each of those application states recommends approval of Qwest's section 271 application.[447] We address each state's specific proceedings on this matter in the following paragraphs.

128. *New Mexico*. The New Mexico Commission issued an *Order Initiating Investigation* on March 19, 2002, directing Qwest "to produce, *inter alia*, copies of all unfiled agreements, contracts, letters, amendments, provisions or other understandings with any CLEC currently or formerly certified in New Mexico."[448] On June 18, 2002, the New Mexico

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442 *See Qwest 9-State Order*, 17 FCC Rcd at 26571-72, para. 478 n.1746; Qwest Application at 175; *Declaratory Order*, 17 FCC Rcd at 19343, para. 13.

443 Qwest Application at 176.

444 *See* Letter from R. Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1-2 (filed February 26, 2003) (Qwest Feb. 26B *Ex Parte* Letter); Letter from R. Hance Haney, Executive Director-Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1 (filed March 28, 2003) (Qwest Mar. 28A Unfiled Agreements *Ex Parte* Letter).

445 *See* Qwest Feb. 26B *Ex Parte* Letter at 2; Qwest Mar. 28A Unfiled Agreements *Ex Parte* Letter at 2; Letter from Dan Poole, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket 03-11 at 1 (filed April 8, 2002) (Qwest Apr. 8D *Ex Parte* Letter).

446 Qwest states that in September 2002, it filed agreements with the application states that contain provisions creating ongoing obligations that relate to section 251(b) or (c) which have not been terminated or superseded by agreement, commission order or otherwise. *See* Qwest Application at 175. Qwest also states that it filed contracts in January 2003 with the application states that are similar to the Qwest/Allegiance Internetwork Calling Name Delivery Service Agreement. *See* Qwest Application at 175-76; Qwest Apr. 8D *Ex Parte* Letter at 1; *Qwest 9-State Order*, 17 FCC Rcd at 26571-72, para. 478 n.1746.

447 New Mexico Commission Comments at 1, 63; Oregon Commission Comments at 17; South Dakota Commission Reply at 4.

448 Qwest Application, App. N, Vol. 3, Tab 2, *Investigation Into Unfiled Agreements Between Qwest Corporation and Competitive Local Exchange Carriers*, Utility Case No. 3750, Order Initiating Investigation and Appointing Hearing, 4-5 (New Mexico Commission 2002)(*Order Initiating Investigation*);Qwest Application App. C, Vol. 1, Tab 19, *Qwest Corporation's Section 271 Application and Motion for Alternative Procedure to Manage the Section* (continued….)

Commission held a hearing, and the state Attorney General moved for sanctions to be imposed on Qwest for its failure to respond completely to discovery requests.[449] On October 8, 2002, the New Mexico Commission released an order finding that Qwest violated the filing requirements of the Act and the state commission's rules.[450] Further, the state commission found sufficient cause to initiate a separate proceeding for the imposition of fines for these violations.[451] However, "given the lack of any compelling showing by any party," the New Mexico Commission did not find that the unfiled agreements at issue "had the effect of significantly frustrating Congress' intent that the local markets be open to competition."[452]

129. During the investigation, the New Mexico Commission staff requested that the state commission take administrative notice of Qwest's September 9, 2002 filing of five agreements that, according to the state commission, appear to fall into the category of documents that Qwest was ordered to produce in response to the *Order Initiating Investigation*.[453] The New Mexico Commission reviewed the five agreements, approved four by operation of law on December 8, 2002, and "dismissed the fifth because it referenced other agreements that had not

(Continued from previous page)
271 Process, *and Qwest Corporation's Statement of Generally Available Terms Pursuant to Section 252(f) of the Telecommunications Act of 1996; Consideration of Costing and Pricing Rules for OSS, Collocation, Shared Transport, Non-Recurring Charges, Spot Frames, Combination of Network Elements and Switching*; *Investigation into Unfiled Agreements Between Qwest Corporation and Competitive Local Exchange Carriers***,** Final Order Regarding Compliance with Outstanding 271 Requirements: SGAT Compliance, Track A, and Public Interest, Utility Case Nos. 3269 and 3537, 3495, and 3750, 112-14 (New Mexico Commission 2002) (*New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271*).

449 *See New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* at 115.

450 *See New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* at 145-46. In this order, the New Mexico Commission adopted the definition of "'an interconnection agreement' or 'agreement' as used in 47 U.S.C. §§ 251(c) and 152(a) and 17 NMAC 11.18.17 [] to include, at a minimum, a negotiated or arbitrated contractual arrangement between an incumbent LEC and a [competitive] LEC that is binding; relates to interconnection, services, or network elements pursuant to 47 U.S.C. §§ 251(b) and (c); or defines or affects the prospective interconnection relationship between two LECs. This definition also includes any agreement modifying or amending any part of an existing interconnection agreement." *Id*. at 129. The New Mexico Commission reviewed 53 agreements. *See id*. at 130. The state commission found that agreements between Qwest and competitive LECs, including e.spire, McLeod, Eschelon, and GST Telecom, should be further investigated in a separate proceeding for compliance with the Act and the state commission rules, and possible imposition of fines. *See id*. at 144-45.

451 *See New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* at 144-45.

452 *See New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* at 144-45.

453 *See New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* at 115; Qwest Application, App. N, Vol. 3, Tab 166, *Investigation into Unfiled Agreements Between Qwest Corporation and Competitive Local Exchange Carriers,* UT Case No. 3750, Staff Notice and Request for the Commission to Take Administrative Notice of NMPRC Case 3814 in this Investigation (New Mexico Commission 2002).

been supplied."[454] The state commission also reviewed three contracts filed by Qwest on January 9 and January 10, 2003, and has approved those contracts.[455]

130. *Oregon*. The Oregon Commission, in its final report in Qwest's state section 271 proceeding dated August 19, 2002, recommended approval of Qwest's section 271 application, but reserved the right to re-examine the unfiled agreements issue at a later date.[456] The Oregon Commission reviewed sixteen agreements that Qwest filed on September 4, 2002, and approved those agreements by orders on November 15, 2002.[457] The state commission also reviewed the three contracts Qwest filed on January 9, 2003, and has approved those contracts.[458]

131. *South Dakota*. On November 22, 2002, the South Dakota Commission released its Public Interest Order addressing Qwest's compliance with section 271.[459] The state commission provided that the unfiled agreements issue would be handled in a separate proceeding, and found that Qwest's conduct "had not resulted in closed markets in South Dakota."[460] The South Dakota Commission reviewed four agreements filed by Qwest on

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[454] *See* Qwest Application at 175. The New Mexico Commission found that Qwest failed to supply eight interconnection agreements for which Qwest sought termination, and dismissed Qwest's "Termination Agreement" with Eschelon dated May 1, 2002. *See the Filing and Requested Approval of Five Negotiated Agreements Between Qwest Corporation and COVAD Communications Co., Eschelon TeleCom, Inc., and McLeodUSA, Certified Local Exchange Carriers (CLEC)*, UT Case No. 3814, Order of Dismissal (New Mexico Commission 2002).

[455] *See* Qwest Feb. 26B *Ex Parte* Letter at 1; Qwest Mar. 28A Unfiled Agreements *Ex Parte* Letter at 1; Qwest Apr. 8D *Ex Parte* Letter at 1.

[456] Qwest Application, App. C, Vol. 1, Tab 14, *Investigation into the Entry of Qwest Corporation, formerly known as US West Communications, Inc. into In-Region InterLATA Services under Section 271 of the Telecommunications Act of 1996*, Final Recommendation Report of the Commission: Affirmative Recommendation, Docket UM 823, 18-19, 20 (Oregon Commission 2002) (*Oregon Commission Final Recommendation Report*).

[457] *See* Qwest Application at 175; Qwest Application, App. P, Vol 2, Tab 13, Orders regarding Amendments to Interconnection Agreements Approved. The Oregon Commission did not consider Qwest's filings acceptable until October 3, 2002, the date that Qwest complied with the state commission's service requirements by providing complete proof of service materials. *See* Qwest Application, App. P, Vol 2, Tab 13, Orders regarding Amendments to Interconnection Agreements Approved, *e.g.*, *Ernest Communications, Inc. and Qwest Corporation, Third Amendment to Interconnection Agreement, Submitted for Commission Approval Pursuant to Section 252(e) of the Telecommunications Act of 1996*, Order No. 02-806, Amendment Approved, 1 n.1 (Oregon Commission 2002).

[458] *See* Qwest Feb. 26b *Ex Parte* Letter at 2; Qwest Apr. 8D *Ex Parte* Letter at 1. *See also* Qwest Application at 175-76.

[459] Qwest Application, App. C, Vol. 1, Tab 9, *Analysis of Qwest Corporation's Compliance with Section 271(c) of the Telecommunications Act of 1996*, Docket TC01-165, Order Regarding Public Interest (South Dakota Commission 2002) (*South Dakota Commission Public Interest Order*).

[460] *See* South Dakota Commission Comments at 8; *South Dakota Commission Public Interest Order* at 3; South Dakota Commission Reply at 4; Qwest Application Toll-State 271 Proceeding Overview Decl., para. 45.

September 24, 2002, and approved those agreements in a meeting held on December 19, 2002.[461] The state commission also approved eight contracts that Qwest filed on January 13, 2003.[462]

2. Discussion

132. As we discussed in the *Qwest 9-State* Order, while we are troubled by Qwest's previous failure to file certain agreements with the states, we find that this previous failure does not warrant a denial of this application.[463] We conclude that concerns about any potential ongoing checklist violation (or discrimination) are met by Qwest's submission of agreements to the commissions of the application states pursuant to section 252 and by each state acting on Qwest's submission of those agreements.[464] The possibility of noncompliance with section 252 on a going-forward basis, therefore, was eliminated by each state commission's approval or rejection of those agreements. In addition, we find that commenters have provided no evidence that the records developed by the state commissions are wanting because certain competitive LECs did not participate. We also find that no commenter offered persuasive evidence that the KPMG OSS test data were compromised as a result of unfiled agreements. We address these conclusions below.

133. Based on the record, we reject AT&T's argument that concerns with Qwest's unfiled interconnection agreements in the application states require a denial of Qwest's section 271 application based on checklist compliance (nondiscrimination obligations) or the public interest.[465] First, AT&T contends that the record in New Mexico reflects the significant state commission concern that Qwest's practice of entering secret deals has not been cured completely by its new practice of terminating longstanding discriminatory deals, because additional secret agreements may still exist.[466] Second, AT&T maintains, that unlike the previous application, this application involves a state where express findings have been made that Qwest knowingly and intentionally engaged in discriminatory behavior.[467]

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461 *See* Qwest Application at 175.

462 *See* Qwest Feb. 26B *Ex Parte* Letter at 2; Qwest Mar. 28A Unfiled Agreements *Ex Parte* Letter at 2; Qwest Apr. 8D *Ex Parte* Letter at 1.

463 *See Qwest 9-State Order*, 17 FCC Rcd at 26567-75, paras. 473-481.

464 *Id.* at 26567, para. 473.

465 *Id.* at 26567, para. 473.

466 *See* AT&T Comments at 35. AT&T states that the New Mexico Commission's findings regarding the discovery process were made in August 2002, after Qwest adopted its new filing policy in May 2002. *See id.*; *Qwest 9-State Order*, 17 FCC Rcd at 26555, para. 456. Touch America supports this contention in its reply comments. *See* Touch America Reply at 6-7.

467 *See* AT&T Comments at 5.

134. Qwest replies that there are no additional unfiled agreements that should be filed with the New Mexico Commission.[468] We note that the New Mexico Commission ultimately found that the unfiled agreements issue does not warrant a denial of Qwest's section 271 application, and that any past noncompliance with section 252 should be addressed in a separate enforcement proceeding.[469]

135. We acknowledge the seriousness of AT&T's allegations and the impact that agreements may have on competition. However, we are persuaded that Qwest's filings with the three state commissions prior to the filing of this section 271 application, coupled with the three application states' disposition of those filed agreements, eliminate the possibility of ongoing discrimination and noncompliance with the filing requirements of section 252.[470] Furthermore, the state commissions of the three application states, including the New Mexico Commission, held that the concerns raised by unfiled agreements do not warrant denial or delay of Qwest's section 271 application.[471]

136. We also reject Touch America's allegation that unfiled agreements undermined the record of the current section 271 proceeding.[472] In particular, Touch America states that the nonparticipation of certain competitive LECs in the proceeding denied the Commission the benefit of such parties' experience with Qwest in the application states.[473] Further, Touch America contends that if Qwest provided preferential terms and conditions to certain of its competitors, that must have affected the OSS performance results relied upon by Qwest to support its application.[474]

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468 *See* Qwest Reply at 54-56.

469 *See* Qwest Reply at 55; New *Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* at 145-146.

470 Subsequent to the release of the *New Mexico Commission Final Order Re Compliance with Remaining Aspects of Section 271* issued on October 8, 2002, the New Mexico Commission approved four agreements, rejected one agreement, and reviewed three contracts. *See* state proceedings under this section, s*upra*. There is no evidence in our record that there are unfiled agreements that should be filed with the relevant application states. As we determined in the *Qwest 9-State Order*, Qwest's filing of the agreements with the relevant state commissions eliminated the possibility of ongoing discrimination. *See Qwest 9-State Order*, 17 FCC Rcd at 26568-69, para. 474. Competitive LECs are permitted to opt into agreements that a state commission approved. *See id*. Agreements that are rejected by a state commission also present no discrimination on a going-forward basis because the section 251 provisions are void as to the original parties. *See id*.

471 In each state proceeding, the application state commissions concluded that concerns with unfiled agreements should be addressed in a separate proceeding or reserved for possible re-examination at a later date. *See* state proceedings under this section, *supra*.

472 Touch America Comments at 7.

473 *Id*. at 7.

474 *Id.* at 7.

137. As discussed above, the state commissions did not find the concerns raised by unfiled agreements sufficient to recommend denial of Qwest's application, and Touch America does not present any persuasive evidence of specific harm as a result of the nonparticipation of competitive LECs that may have received preferential treatment from Qwest,[475] or that the OSS performance results are tainted.[476] Therefore, we reject Touch America's allegation for the same reasons stated in our *Qwest 9-State Order*.[477]

138. *Complete-as-Filed Rule.* We waive the complete-as-filed requirement on our own motion pursuant to section 1.3 of the Commission's rules[478] to the limited extent necessary to consider the three application states' disposition of Qwest's submission of previously unfiled agreements for their review and, if appropriate, approval under section 252(e).[479] The Commission maintains this procedural requirement to ensure that interested parties have a fair opportunity to comment on the BOC's application, the Attorney General and the state commission can fulfill their statutory consultative roles, and the Commission has adequate time to evaluate the record.[480] The Commission can waive its procedural rules, however, if "special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."[481] We conclude, based on the circumstances presented here, that special circumstances warrant a waiver of our rule, and that such waiver will serve the public interest.

139. We conclude that the special circumstances before us here warrant a deviation from the general rules for consideration of late-filed information or developments that take place during the application review period.[482] In particular, as we discuss below, we find that the

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475 *See Qwest 9-State Order*, 17 FCC Rcd at 26573, para. 479.

476 *See Qwest 9-State Order*, 17 FCC Rcd at 26574, para. 480 (noting that the steering and executive committees of the ROC considered and rejected allegations that OSS data was tainted because the results were based on inputs from competitive LECs that received preferential treatment from Qwest). We note that the New Mexico Commission also reviewed and rejected this allegation. *See* App. C, Vol. 1, Tab 18, *Order Regarding OSS-Related Matters*, Utility Case No. 3269 & 3537 (New Mexico Commission 2002) (*New Mexico Commission OSS Order*). The Oregon Commission declined to reopen the record to consider Qwest's alleged improprieties, including UNE-P testing. *See Oregon Commission Final Recommendation Report* at 18-19. *See also Qwest 9-State Order*, 17 FCC Rcd at 26574-75, para. 481 (noting the Department of Justice's Qwest 9-state evaluation, and providing that arguably enhanced performance caused by the allegedly preferential treatment will have resulted in a higher benchmark for Qwest to maintain).

477 *See Qwest 9-State Order,* 17 FCC Rcd at 26573-75, paras. 479-481.

478 47 C.F.R. § 1.3.

479 We refer to the contracts Qwest filed in January 2003, *i.e.*, the *January 2003 Filings*, that are responsive to the *Qwest 9-State Order* determination. *See Qwest 9-State Order*, 17 FCC Rcd at 26571-72, para. 478 n.1746; Qwest Application at 175-76; Qwest Feb. 26B *Ex Parte* Letter; Qwest Mar. 28A Unfiled Agreements *Ex Parte* Letter; Qwest Apr. 8D *Ex Parte* Letter.

480 *Qwest 9-State Order*, 17 FCC Rcd at 26575, para. 482.

481 *Id*.

482 *Id.* at 26576, para. 483.

interests our normal procedural requirements are designed to protect are not affected by our consideration of the three application states' disposition of Qwest's submission of previously unfiled agreements. In addition, we conclude that consideration of the state dispositions of Qwest's filed agreements will serve the public interest.

140. It is important to note that the Commission has not established a set of factors that must be met in order for the Commission to waive this procedural rule. Indeed, by the very term "special circumstances" it is understood that the facts surrounding new information provided in any given application would be unique. Consequently, it is within our discretion, taking into account any special circumstances, not to afford greater weight to a particular factor used by the Commission in a previous section 271 order.

141. We determine that the state actions with respect to the unfiled agreements are important to consider and are positive ones that will promote competition and serve the public interest by allowing competitors to opt-in to previously unfiled agreements under section 252(i) because the states have approved them as interconnection agreements.[483] Furthermore, considering the three states' disposition of Qwest's filing of interconnection agreements places a limited additional analytical burden on commenters and the Commission because the analysis of the interconnection agreements was performed by the state commissions. The concrete and limited nature of the actions taken by each state in either approving or rejecting each interconnection agreement has permitted the Commission staff to evaluate those actions within the 90-day statutory period.[484] We also find that there has been adequate opportunity for comment on this new information. Indeed, Qwest filed the interconnection agreements with each application state prior to filing the instant section 271 application, giving interested parties ample opportunity to comment on this issue in the instant section 271 proceeding and in the state proceedings.[485] Because the Commission and commenters have had sufficient time and information to evaluate the impact of these filings on Qwest's application, we see no need to restart the 90-day clock.

142. Additionally, in prior cases we have found cause to grant a waiver of the complete-as-filed rule where the new information is responsive to criticisms in the record, as compared to new information that "consists of additional arguments or information" as to why the applicant should not be required to take further action.[486] Qwest responded to our determination in the recent *Qwest 9-State Order* concerning the need to file a particular type of contract (as well as criticism from commenters), by taking positive action to file agreements with

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483 *Id.* at 26576, para. 485.

484 *Id*.

485 *See* Qwest Application at 175-76; Qwest Feb. 26B *Ex Parte* Letter at 1-2; Qwest Mar. 28A Unfiled Agreements *Ex Parte* Letter at 1-2; Qwest Apr. 8D *Ex Parte* Letter at 1.

486 *Qwest 9-State Order*, 17 FCC Rcd at 26577, para. 486.

the three application states.[487] This is very different from the situation in which late-filed material consists of additional arguments or information as to why Qwest should not be required to file these agreements with the state commissions. These factors, as the Commission has found previously, can support grant of a waiver.[488] For these reasons, we find that the circumstances present in this instance warrant waiver of our procedural requirements, and allow consideration of the disposition of Qwest's previously unfiled agreements by the three application states.

C. Payphone Public Access Lines

143. The Northwest Public Communications Council (NPCC)[489] contends that Qwest's section 271 application is not in the public interest in Oregon, because Qwest has not complied with its obligations under the *New Services Order*.[490] Specifically, NPCC argues that Qwest has failed to file rates for pay telephone public access lines (PALs) that comply with the new services test.[491] NPCC contends that, on November 12, 2002, while action on the Qwest nine-state section 271 application was pending, Qwest filed to reduce monthly PAL rates that ranged from $26.00 to $30.50 per line to $8.87 per line, but in January, 2003, withdrew the proposed rates and announced that it would not reduce PAL rates.[492] NPCC argues that Qwest is "playing fast and loose" with the Commission's *New Services Order* in Oregon, while complying with it in other states.[493] NPCC believes that Qwest should comply with the *New Services Order* in Oregon before we grant its section 271 application. Qwest responds that the Commission has already ruled that this issue should not be addressed in a section 271 proceeding.[494]

144. We agree with NPCC that Qwest is obligated to comply with the *New Services Order*. This proceeding, however, is not the appropriate forum to consider whether Qwest has

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487 *See Qwest 9-State Order* 17 FCC Rcd at 26571-72, para. 478 n.1746. Qwest states that it filed similar contracts with the application states on January 9, 10, or 13, 2003. Qwest filed the instant section 271 application on January 15, 2003.

488 *Qwest 9-State Order*, 17 FCC Rcd at 26577, para. 486.

489 NPCC is a trade association of non Incumbent LEC payphone service providers in the Northwest, including the State of Oregon.

490 NPCC Comments at 1 (citing *Wisconsin Public Service Commission*, Bureau/CPD No. 00-01, Memorandum Opinion and Order, 17 FCC Rcd 2051 (2002) (*New Services Order*)). This order requires a BOC to set nondiscriminatory cost-based rates for payphone access lines at no more than the monthly recurring direct costs incurred by the BOC in providing payphone lines, plus a justified allocation for overhead. *Id.*

491 NPCC Comments at 1.

492 *Id.* at 2.

493 *Id.* at 3. NPCC asserts, *e.g.,* that Qwest has argued in Oregon that the *New Services Order* allows it to file PAL rates that are identical to its business line rates, but argued in Iowa that setting PAL rates at that level is inconsistent with that Order.

494 Qwest Reply at 49; Qwest Thompson/Freeberg Reply Decl., para. 27 (both citing the *Qwest 9-State Order*).

done so in Oregon. In the *Qwest 9-State Order,* we rejected virtually the identical allegation by NPCC and other payphone associations with respect to other states served by Qwest.[495] In that order, we concluded that it is inappropriate in a section 271 proceeding to decide whether Qwest's PAL rates comply with the *New Services Order.*[496] As we stated, the issue raised by NPCC is better addressed through the Commission's enforcement complaint process or by the state commission in the first instance.[497] Indeed, we understand that several of the payphone associations have begun the process of filing a complaint with the Commission's Enforcement Bureau to resolve this issue.[498]

D. Alleged Violations of Section 271

145. AT&T and Touch America argue, as they did in the Qwest 9-State proceeding, that alleged current violations of section 271 require a finding that Qwest's application is not in the public interest and thus must be denied.[499] For the same reasons discussed in the *Qwest 9-State Order*, we reject these arguments.[500] These arguments concern issues that are the subject of two complaints by Touch America pending before the Commission's Enforcement Bureau.[501]

146. As the Commission recognized in the *Qwest 9-State Order*, Qwest had terminated all in-region interLATA services disclosed during the Qwest 9-State proceeding.[502] Qwest has recently disclosed additional instances of provisioning long distance service without

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[495] *Qwest 9-State Order*, 17 FCC Rcd at 26580, para. 494. NPCC and other payphone associations filed comments against the Qwest I and Qwest II applications, arguing that Qwest had failed to comply with the *New Services Order* in the 9-States covered by those applications. *See* Joint Comments of the Arizona Payphone Association, Colorado Payphone Association, Minnesota Independent Payphone Association and NPCC on the Qwest I application, (filed July 3, 2002) and on the Qwest II application (filed Aug. 2, 2002). The parties asked the Commission to withhold section 271 approval until Qwest complied with the *New Services Order* in those states.

[496] *Qwest 9-State Order*, 17 FCC Rcd at 26580, para. 494.

[497] *Id*. Qwest notes in its comments that it entered into a stipulated agreement with NPCC on Feb. 14, 2003, to lower payphone access rates in Oregon. Qwest Reply at 49 n.55; Qwest Thompson/Freeberg Reply Decl., para. 27 n.42. Since NPCC does not provide any response to this, we do not know if this issue is completely resolved.

[498] *Id.* (citing the Payphone Associations' Qwest III Comments at Attach.).

[499] *See* AT&T Comments at 35-37; Touch America Comments at 4-5.

[500] *See Qwest 9-State Order*, 17 FCC Rcd at 26577-79, paras. 487-90.

[501] *Touch America, Inc. v. Qwest Communications International Inc., et al.*, File No. EB-02-MD-004 (February 11, 2002) (revised and refiled March 1, 2002) (alleging that Qwest's divestiture of its in-region interLATA assets and customers to Touch America was a sham and that Qwest provides in-region interLATA service in violation of section 271 and its merger conditions); *Touch America, Inc. v. Qwest Communications International Inc., et al.*, File No. EB-02-MD-003 (February 8, 2002) (arguing that "lit capacity IRUs" that Qwest provides are prohibited in-region interLATA services in violation of section 271).

[502] *See Qwest 9-State Order*, 17 FCC Rcd at 26577-78, para. 488.

authorization under section 271.[503] Specifically, Qwest identified six additional in-region interLATA private line services not divested prior to the merger.[504] Qwest has notified us that it terminated all six of these circuits by March 24, 2003.[505] Qwest also disclosed 33 other instances of in-region interLATA private line services that it terminated at various points after the merger.[506] In addition, Qwest stated that it was taking steps with respect to private lines provided to Triumph Communications to ensure that Qwest has sufficient control over cross connections to be certain that in-region interLATA communications do not occur.[507] Qwest has notified us that the out-of-region interLATA service previously provided using these leased cross-connect panels is no longer being used.[508] Finally, Qwest disclosed wholesale transport services provided to Touch America for operator services and Dial Access Network Link services provided to ISPs.[509] We have been notified by Qwest that it has implemented routing changes and transferred service to other providers to address these issues.[510]

147. In response to Qwest's disclosure, AT&T requests that the Commission deny the instant application.[511] AT&T maintains that the disclosed instances are violations of section 271.[512] AT&T argues that these violations along with Qwest's "liberal use of [IRUs]" demonstrate that these are not limited circumstances, as the Commission concluded in the *Qwest 9-State Order*, and instead establish "Qwest's pattern of abuse and non-compliance with respect to Section 271" that warrants a denial of the application.[513]

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503 *See* Letter from R. Hance Haney, Executive Director – Federal Regulatory, Qwest, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 7, 2003) (Qwest Mar. 7 *Ex Parte* Letter).

504 *See* Qwest Mar. 7 *Ex Parte* Letter, Attach. at 1.

505 *See* Letter from Dan Poole, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 21B, 2003); Letter from Dan Poole, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 25A, 2003).

506 *See* Qwest Mar. 7 *Ex Parte* Letter, Attach. at 2.

507 *Id*.

508 *See* Letter from Dan Poole, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed April 9, 2003).

509 *See* Qwest Mar. 7 *Ex Parte* Letter, Attach. at 2-3.

510 *See* Letter from Dan Poole, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed April 4C, 2003).

511 *See* Letter from Mark D. Schneider, Counsel to AT&T, to Marlene Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed March 27, 2003) (AT&T Mar. 27 *Ex Parte* Letter).

512 Id. at 2.

513 *Id.* at 2-3.

148. We recognize that potential violations of federal telecommunications law could be relevant to the section 271 inquiry.[514] However, based on the limited circumstances established in this record, we do not find that the allegations concerning Qwest's compliance with section 271 relate to openness of the local telecommunications markets to competition.[515] Instead, we defer any enforcement action pending the Enforcement Bureau's investigation of this matter. Therefore, we reject the argument of AT&T and Touch America that we should deny or delay this application based on allegations concerning Qwest's compliance with section 271. We emphasize, however, that regardless of what enforcement action we may take in the future concerning these or similar allegations, BOCs are prohibited from providing long distance service in any in-region state prior to receiving section 271 approval from the Commission for that particular state, and they must implement adequate controls to prevent such service from taking place.[516]

VII. SECTION 271(d)(6) ENFORCEMENT AUTHORITY

149. Section 271(d)(6) of the Act requires Qwest to continue to satisfy the "conditions required for . . . approval" of its section 271 application after the Commission approves its

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514 *See Qwest 9-State Order*, 17 FCC Rcd at 26578-79, para. 490; *Application by Verizon New England Inc., Verizon Delaware Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in New Hampshire and Delaware*, WC Docket No. 02-157, Memorandum Opinion and Order, 17 FCC Rcd 18660, 18754-55, para. 168 (2002) (*Verizon Delaware/New Hampshire Order*); *see also Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190.

515 *See Qwest 9-State Order*, 17 FCC Rcd at 26578-79, para. 490; *BellSouth Multistate Order*, 17 FCC Rcd at 17764-65, para. 301; *see also Verizon New Jersey Order*, 17 FCC Rcd at 12368, para. 190.

516 Qwest recently disclosed that television commercials marketing interLATA services mistakenly ran in Arizona, Minnesota, New Mexico and Oregon on April 7 and 8, 2003. *See* Letter from Mace J. Rosenstein, Counsel to Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11, Attach. 1 at 1-2, Attach. 2 at 1-2 (filed April 10, 2003) (Qwest Apr. 10 *Ex Parte* Letter) (attaching letter from advertising agency indicating that advertisements ran as a result of agency's error). Qwest adds that the commercials included a visual disclaimer limiting the offer to states in which Qwest has been granted section 271 authority and it acted quickly to remove the advertising as soon as it became aware that it was being aired. *See* Qwest Apr. 10 *Ex Parte* Letter, Attach. at 1-2. Qwest confirms that, despite the premature marketing, it did not provision long distance service to any customers in these states and that it has in place various controls to ensure that it does not provision long distance in states without section 271 authority. *See* Letter from John L. Munn, Corporate Counsel – Policy and Law, Qwest, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 at 1-2 (filed April 11C, 2003). The Commission has examined instances of premature marketing in prior section 271 proceedings. *See, e.g., Verizon Virginia Order*, 17 FCC Rcd at 21990-94, paras. 199-207; *Verizon Delaware/New Hampshire Order*, 17 FCC Rcd at 18751-55, paras. 163-68; *Verizon New Jersey Order,* 17 FCC Rcd at 12367-68, paras. 188-90. We conclude, given the facts presented here, that this conduct does not relate to the openness of the local telecommunications markets to competition, and therefore, does not warrant denial or delay of this application under the public interest standard. *See Verizon Virginia Order*, 17 FCC Rcd at 21994, para. 207. We find that these claims of premature solicitation of long distance services would be more appropriately addressed in an enforcement proceeding. We take no position in this proceeding on whether Qwest's actions violate section 272(g)(2) of the Act.

application.[517] Thus, the Commission has a responsibility not only to ensure that Qwest is in compliance with section 271 today, but also that it remains in compliance in the future. As the Commission has already described the post-approval enforcement framework and its section 271(d)(6) enforcement powers in detail in prior orders, it is unnecessary to do so again here.[518]

150. Working in concert with the New Mexico, Oregon and South Dakota Commissions, we intend to closely monitor Qwest's post-approval compliance for these states to ensure that Qwest does not "cease [] to meet any of the conditions required for [section 271] approval."[519] We stand ready to exercise our various statutory enforcement powers quickly and decisively in appropriate circumstances to ensure that the local market remains open in these states. We are prepared to use our authority under section 271(d)(6) if evidence shows market opening conditions have not been maintained.

151. We require Qwest to report to the Commission, for all three states, carrier-to-carrier performance metrics results and PAP monthly reports beginning with the first full month after the effective date of this Order, and for each month thereafter for one year unless extended by the Commission. These results and reports will allow us to review, on an ongoing basis, Qwest's performance to ensure continued compliance with the statutory requirements. We are confident that cooperative state and federal oversight and enforcement can address any backsliding that may arise with respect to Qwest's entry into these three states.[520]

VIII. CONCLUSION

152. For the reasons discussed above, we grant Qwest's joint application for authorization under section 271 of the Act to provide in-region, interLATA services in the states of New Mexico, Oregon and South Dakota.

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[517] 47 U.S.C. § 271(d)(6).

[518] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6382-84, paras. 283-85; *SWBT Texas Order,* 15 FCC Rcd at 18567-68, paras. 434-36; *Bell Atlantic New York Order,* 15 FCC Rcd at 4174, paras. 446-53.

[519] 47 U.S.C. § 271(d)(6)(A).

[520] *See, e.g., Bell Atlantic-New York, Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York,* File No. EB-00-IH-0085, Order, 15 FCC Rcd 5413 (2000) (adopting consent decree between the Commission and Bell Atlantic that included provisions for Bell Atlantic to make a voluntary payment of $3,000,000 to the United States Treasury, with additional payments if Bell Atlantic failed to meet specified performance standards and weekly reporting requirements to gauge Bell Atlantic's performance in correcting the problems associated with its electronic ordering systems).

IX. ORDERING CLAUSES

153. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 271 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 271, Qwest's joint application to provide in-region, interLATA service in the states of New Mexico, Oregon and South Dakota filed on January 15, 2003, IS GRANTED.

154. IT IS FURTHER ORDERED that this Order SHALL BECOME EFFECTIVE April 25, 2003.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Commenters in WC Docket No. 03-11
Qwest – New Mexico, Oregon & South Dakota

Commenters	Abbreviation
AT&T Corporation	AT&T
City of Portland, Oregon	City of Portland
Integra Telecom of Oregon, Inc.	Integra
New Mexico Public Regulation Commission	New Mexico Commission
Northwest Public Communications Counsel	NPCC
Public Utility Commission of Oregon	Oregon Commission
South Dakota Public Utilities Commission	South Dakota Commission
Sprint Communications Company L.P.	Sprint
Touch America, Inc.	Touch America
WorldCom, Inc.	WorldCom

Reply Commenters	Abbreviation
AT&T	
Eschelon Telecom, Inc.	Eschelon
Qwest	
South Dakota Commission	
Touch America	
WorldCom	

Appendix B

Colorado Performance Metrics

The data in this appendix are taken from a letter from C. Jeffrey Tibbels, Attorney, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed February 28, 2003) (Qwest February 28A Ex Parte Letter) Attach. 1 (Statewide Average Performance Summary, CO, NM, OR, SD, Aug 02-Jan 03). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Center
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
BILLING													
BI-1	**Time to Provide Recorded Usage Records**												
BI-1A	UNEs and Resale Aggregate, Avg Days		1.64	4.44	1.55	4.17	1.47	4.18	1.48	3.95	1.45	4.38	
BI-1B	Jointly-provided Switched Access, %		99.95%		100%		100%		100%		99.98%		
BI-1C-1	[CAT11], UNEs and Resale Aggregate, Avg Days		1.73	4.44	1.64	4.17	1.53	4.18	1.61	3.95	1.59	4.38	
BI-1C-2	[CAT10], UNEs and Resale Aggregate, Avg Days		1.34	4.44	1.22	4.17	1.3	4.18	1.12	3.95	1.11	4.38	
BI-2	**Invoices Delivered within 10 Days**												
BI-2	within 10 Days, All, %		99.99%		100%		100%		99.98%		100%		
BI-3	**Billing Accuracy - Adjustments for Errors**												
BI-3A	UNEs and Resale Aggregate, %		99.40%	99.42%	99.66%	99.31%	99.30%	99.16%	99.39%	99.03%	97.08%	99.23%	
BI-3B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-4	**Billing Completeness**												
BI-4A	UNEs and Resale Aggregate, %		95.71%	99.28%	95.48%	99.21%	97.79%	99.05%	98.77%	99.13%	99.13%	99.21%	
BI-4B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-5	**Billing Accuracy & Claims Processing**												
BI-5A	Acknowledgment, All, %		99.70%		99.64%		99.60%		100%		99.36%		
BI-5B	Resolution, All, %		100%		100%		100%		100%		98.54%		
COLLOCATION													
CP-1	**Collocation Completion Interval when Scheduled Interval is…**												
CP-1A	90 Calendar Days or Less, All, Avg Days						54		65.5		62		a b c d e
CP-1B	91 to 120 Calendar Days, All, Avg Days				65.75		80		73		93.44		a b c d e
CP-1C	121 to 150 Calendar Days, All, Avg Days		110.71		110.29		71		82		99.56		a b c d e
CP-2	**Collocations Completed within Scheduled Intervals**												
CP-2B	Non-Forcasted & Late Forecasted , All, %				100%		100%		100%		100%		a b c d
CP-2C	with Intervs Longer than 120 Days, All, %		100%		100%		100%		100%		100%		a b c d e
CP-3	**Collocation Feasibility Study Interval**												
CP-3	All, Avg Days		7		6.95		6.25		5.63		9.25		a c d e
CP-4	**Collocation Feasibility Study Commitments Met**												
CP-4	All, %		100%		100%		100%		100%		100%		a c
DIRECTORY ASSISTANCE													
DA-1	**Speed of Answer - Directory Assistance**												
DA-1	Avg Sec			8.68		8.66		8.45		8.01		8.24	a b c d e
DATABASE UPDATES													

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
DB-1	**Time to Update Databases**												
DB-1A	E911, Hrs:Min		1:52		1:58		1:40		2:00		1:59		
DB-1B	LIDB, Avg Sec		1.27		1.75		1.46		1.47		1.42		
DB-1C-1	Directory Listing, Avg Sec		0.11		0.16		0.15		0.16		0.19		
DB-2	**Accurate Database Updates**												
DB-2C-1	Directory Listing, %		92.04%		98.07%		98.45%		97.98%		96.33%		
ELECTRONIC GATEWAY AVAILABILITY													
GA-1	**Gateway Availability - IMA-GUI**												
GA-1A	All, %		100%		99.33%		99.44%		99.67%		96.69%		
GA-1B	Fetch-n-Stuff, %		100%		100%		100%		100%				e
GA-1C	Data Arbiter, %		100%		100%		100%		100%				e
GA-1D	SIA, %		99.95%		100%		100%		100%		100%		
GA-2	**Gateway Availability - IMA-EDI**												
GA-2	All, %		99.80%		99.56%		99.39%		99.69%		96.69%		
GA-3	**Gateway Availability - EB-TA**												
GA-3	All, %		99.94%		100%		100%		100%		99.86%		
GA-4	**System Availability - EXACT**												
GA-4	All, %		100%		100%		100%		100%		100%		
GA-6	**Gateway Availability - GUI - Repair**												
GA-6	All, %		100%		100%		100%		100%		97.82%		
GA-7	**Timely Outage Resolution Following Software Releases**												
GA-7	All, %												a b c d e
MAINTENANCE AND REPAIR													
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**												
MR-2	All, %		85.75%	86.24%	92.98%	92.32%	92.43%	90.44%	89.25%	87.11%	88.46%	83.51%	
MR-3	**Out of Service Cleared within 24 Hours**												
MR-3	Basic Rate ISDN, %	ND		99.32%	100%	100%		100%		100%		100%	a b c d e
MR-3	Basic Rate ISDN, %	D		99.15%		99.52%		100%	100%	99.11%		99.19%	a b c d e
MR-3	Business, %	ND	100%	97.36%	100%	99.41%	100%	98.58%	100%	99.68%	100%	99.76%	a b c d e
MR-3	Business, %	D	100%	93.52%	100%	96.28%	93.75%	95.57%	100%	96.74%	100%	96.63%	
MR-3	Centrex 21, %	ND	100%	99.24%		100%		98.02%		100%		98.59%	a b c d e
MR-3	Centrex 21, %	D	100%	92.85%	100%	95.78%	100%	95.97%	100%	97.07%	100%	97.92%	a b c d e
MR-3	Centrex, %	ND		95.24%		100%	100%	100%		100%	100%	100%	a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-3	Centrex, %	D	50.00%	88.10%	100%	94.00%	75.00%	89.58%	100%	88.00%	100%	90.91%	a b c d e
MR-3	Line Sharing, %	ND	84.00%	96.42%	92.00%	98.91%	87.38%	98.23%	91.01%	98.61%	98.75%	98.40%	
MR-3	Line Sharing, %	D	71.43%	91.84%	79.55%	94.71%	78.57%	94.94%	91.18%	96.38%	72.73%	96.23%	
MR-3	PBX, %	ND	100%	99.43%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
MR-3	PBX, %	D	100%	97.83%		100%		93.51%		100%		98.41%	a b c d e
MR-3	Qwest DSL, %			87.93%		88.74%		94.31%		94.00%	100%	93.02%	a b c d e
MR-3	Residence, %	ND	100%	96.27%	100%	98.82%	100%	98.17%	100%	98.44%	100%	98.12%	
MR-3	Residence, %	D	98.93%	91.61%	98.55%	94.47%	96.27%	94.85%	100%	96.33%	97.54%	96.17%	
MR-3	UBL - 2-wire, %		100%	99.24%	100%	99.82%	100%	100%	100%	99.63%	100%	99.72%	
MR-3	UBL - ADSL Qualified, %			87.93%		88.74%		94.31%		94.00%		93.02%	a b c d e
MR-3	UBL - Analog, %		99.85%	92.51%	100%	95.34%	99.83%	95.42%	100%	96.73%	100%	96.57%	
MR-3	UBL - ISDN Capable, %		100%	99.24%	100%	99.82%	100%	100%	100%	99.63%	100%	99.72%	
MR-3	UNE-P, POTS, %	ND	97.14%	96.42%	100%	98.91%	100%	98.23%	100%	98.61%	100%	98.40%	
MR-3	UNE-P, POTS, %	D	97.92%	91.84%	99.33%	94.71%	97.32%	94.94%	96.92%	96.38%	97.16%	96.23%	
MR-3	UNE-P, Centrex, %	ND	100%	95.24%	100%	100%	100%	100%	100%	100%	100%	100%	
MR-3	UNE-P, Centrex, %	D	99.42%	88.10%	100%	94.00%	96.67%	89.58%	98.97%	88.00%	100%	90.91%	
MR-3	UNE-P, Centrex 21, %	ND	100%	99.24%	100%	100%	100%	98.02%	100%	100%	100%	98.59%	a b c d e
MR-3	UNE-P, Centrex 21, %	D	91.30%	92.85%	100%	95.78%	100%	95.97%	100%	97.07%	100%	97.92%	c d e
MR-4	**All Troubles Cleared within 48 Hours**												
MR-4	Basic Rate ISDN, %	ND		100%	100%	100%		100%		100%		100%	a b c d e
MR-4	Basic Rate ISDN, %	D		100%		100%		100%	100%	100%		100%	a b c d e
MR-4	Business, %	ND	100%	99.71%	100%	99.72%	100%	99.87%	100%	99.72%	100%	99.78%	a b d e
MR-4	Business, %	D	100%	98.18%	100%	98.99%	100%	98.60%	100%	98.50%	100%	99.17%	
MR-4	Centrex 21, %	ND	100%	99.66%	100%	100%	100%	100%		99.62%		100%	a b c d e
MR-4	Centrex 21, %	D	100%	96.64%	100%	98.82%	100%	98.54%	100%	98.68%	100%	99.60%	a b c d e
MR-4	Centrex, %	ND		100%	100%	100%	100%	100%		100%	100%	100%	a b c d e
MR-4	Centrex, %	D	100%	98.08%	100%	96.43%	100%	98.28%	100%	89.29%	100%	92.31%	a b c d e
MR-4	Line Sharing, %	ND	90.20%	99.55%	99.01%	99.85%	93.20%	99.85%	100%	99.83%	98.78%	99.72%	
MR-4	Line Sharing, %	D	92.86%	97.76%	97.73%	98.92%	100%	98.70%	94.12%	99.15%	95.56%	98.94%	
MR-4	PBX, %	ND	100%	99.48%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
MR-4	PBX, %	D	100%	99.00%		100%		97.62%		100%		100%	a b c d e
MR-4	Qwest DSL, %			95.61%		95.33%		98.04%		97.22%	100%	97.26%	a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-4	Residence, %	ND	100%	99.52%	100%	99.88%	100%	99.84%	100%	99.85%	100%	99.71%	
MR-4	Residence, %	D	99.37%	97.71%	100%	98.91%	100%	98.71%	99.00%	99.24%	100%	98.91%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UBL - ADSL Qualified, %			95.61%		95.33%		98.04%		97.22%		97.26%	a b c d e
MR-4	UBL - Analog, %		100%	98.12%	100%	99.12%	100%	98.94%	100%	99.30%	100%	99.12%	
MR-4	UBL - ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, POTS, %	ND	100%	99.55%	100%	99.85%	100%	99.85%	100%	99.83%	100%	99.72%	
MR-4	UNE-P, POTS, %	D	98.83%	97.76%	100%	98.92%	97.96%	98.70%	99.37%	99.15%	98.82%	98.94%	
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, Centrex, %	D	99.56%	98.08%	99.52%	96.43%	97.97%	98.28%	98.41%	89.29%	99.10%	92.31%	
MR-4	UNE-P, Centrex 21, %	ND	100%	99.66%	100%	100%	100%	100%	100%	99.62%	100%	100%	c d e
MR-4	UNE-P, Centrex 21, %	D	96.77%	96.64%	100%	98.82%	100%	98.54%	100%	98.68%	100%	99.60%	c d e
MR-5	**All Troubles Cleared within 4 Hours**												
MR-5	DS0, %		90.91%	73.69%	78.95%	84.54%	100%	78.27%	93.75%	85.63%	100%	89.51%	c e
MR-5	DS1, %		83.33%	83.19%	100%	87.65%	92.86%	83.72%	92.86%	87.45%	100%	90.21%	a b e
MR-5	DS3, %			88.46%		90.48%		80.65%		86.36%		100%	a b c d e
MR-5	E911, %			100%		100%						100%	a b c d e
MR-5	EELs, %		80.23%		86.25%		89.47%		74.55%		85.87%		
MR-5	Frame Relay, %		100%	82.66%		87.12%		80.17%		86.19%		90.14%	a b c d e
MR-5	ISDN Primary, %		75.00%	92.59%		96.05%	100%	90.32%	100%	97.96%	0%	100%	a b c d e
MR-5	LIS Trunk, %		94.44%	94.12%	75.00%	94.29%	96.43%	100%	100%	81.25%	94.44%	100%	
MR-5	UBL - 4-wire, %		100%	83.19%	50.00%	87.65%		83.72%		87.45%	100%	90.21%	a b c d e
MR-5	UBL - DS1 Capable, %		75.41%	83.19%	88.89%	87.65%	86.79%	83.72%	90.32%	87.45%	77.55%	90.21%	
MR-5	UBL - DS3 Capable, %			88.46%		90.48%		80.65%		86.36%		100%	a b c d e
MR-5	UDIT Above DS1 Level, %		100%	88.46%	100%	90.48%	100%	80.65%	100%	86.36%	100%	100%	a b c d e
MR-5	UDIT DS1, %		100%	83.19%	100%	87.65%	100%	83.72%		87.45%	50.00%	90.21%	a b c d e
MR-6	**Mean Time to Restore**												
MR-6	Basic Rate ISDN, Hrs:Min	ND		1:51	2:58	1:18		1:10		0:56		1:10	a b c d e
MR-6	Basic Rate ISDN, Hrs:Min	D		4:19		3:45		3:50	1:59	3:52		3:15	a b c d e
MR-6	Business, Hrs:Min	ND	2:31	3:49	1:05	3:10	1:50	2:51	4:24	2:48	3:57	3:18	a b d e
MR-6	Business, Hrs:Min	D	5:18	11:49	5:32	9:34	10:33	9:59	6:56	9:27	6:36	8:53	
MR-6	Centrex 21, Hrs:Min	ND	1:16	3:14	0:41	2:47	1:19	2:58		2:29		3:36	a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-6	Centrex 21, Hrs:Min	D	6:17	11:03	6:12	8:28	8:05	9:03	10:11	7:58	2:35	7:25	a b c d e
MR-6	Centrex, Hrs:Min	ND		6:42	4:59	2:40	5:51	3:12		3:12	1:53	6:40	a b c d e
MR-6	Centrex, Hrs:Min	D	14:15	8:49	6:47	11:19	15:32	9:45	11:50	19:35	8:56	12:27	a b c d e
MR-6	DS0, Hrs:Min		1:47	3:42	2:57	2:19	1:35	3:37	1:35	2:22	1:49	2:11	c e
MR-6	DS1, Hrs:Min		1:38	2:34	1:23	2:02	0:59	2:32	1:45	2:17	1:35	1:51	a b e
MR-6	DS3, Hrs:Min			2:53		6:46		3:22		3:05		1:05	a b c d e
MR-6	E911, Hrs:Min			1:44		3:05						0:16	a b c d e
MR-6	EELs, Hrs:Min		2:41		2:18		2:07		3:34		2:47		
MR-6	Frame Relay, Hrs:Min		1:01	2:38		2:17		3:00		2:21		1:57	a b c d e
MR-6	ISDN Primary, Hrs:Min		11:02	1:44		1:26	0:33	2:05	0:29	1:10	17:09	1:17	a b c d e
MR-6	Line Sharing, Hrs:Min	ND	15:21	6:22	6:52	4:43	11:46	4:02	7:24	4:30	6:04	4:38	
MR-6	Line Sharing, Hrs:Min	D	18:55	14:54	15:08	12:43	15:39	12:15	19:17	11:14	23:53	11:55	
MR-6	LIS Trunk, Hrs:Min		1:20	1:54	2:24	1:50	1:11	0:47	1:17	1:56	1:50	0:34	
MR-6	PBX, Hrs:Min	ND	1:20	2:04	0:44	1:33	0:49	1:18	0:27	1:34	1:30	1:21	a b c d e
MR-6	PBX, Hrs:Min	D	8:15	6:25		6:39		8:59		5:54		7:07	a b c d e
MR-6	Qwest DSL, Hrs:Min			9:33		12:00		7:07		7:25	0:20	8:31	a b c d e
MR-6	Residence, Hrs:Min	ND	3:10	6:49	1:53	5:01	2:37	4:15	2:18	4:48	3:34	4:55	
MR-6	Residence, Hrs:Min	D	7:50	15:17	6:09	13:10	6:02	12:34	6:26	11:29	6:31	12:20	
MR-6	UBL - 2-wire, Hrs:Min		2:38	2:56	2:17	2:14	2:42	2:00	2:46	2:09	2:33	1:52	
MR-6	UBL - 4-wire, Hrs:Min		1:37	2:34	2:35	2:02		2:32		2:17	0:03	1:51	a b c d e
MR-6	UBL - ADSL Qualified, Hrs:Min			9:33		12:00		7:07		7:25		8:31	a b c d e
MR-6	UBL - DS1 Capable, Hrs:Min		3:03	2:34	2:06	2:02	2:11	2:32	2:25	2:17	2:47	1:51	
MR-6	UBL - DS3 Capable, Hrs:Min			2:53		6:46		3:22		3:05		1:05	a b c d e
MR-6	UBL Analog, Hrs:Min		3:19	13:12	2:35	11:00	2:37	10:31	2:24	9:43	2:15	10:14	
MR-6	UBL ISDN Capable, Hrs:Min		2:40	2:56	3:01	2:14	2:39	2:00	2:01	2:09	2:23	1:52	
MR-6	UDIT Above DS1 Level, Hrs:Min		0:50	2:53	1:23	6:46	1:29	3:22	1:16	3:05	1:49	1:05	a b c d e
MR-6	UDIT DS1, Hrs:Min		1:01	2:34	1:41	2:02	0:43	2:32		2:17	2:48	1:51	a b c d e
MR-6	UNE-P, POTS, Hrs:Min	ND	3:11	6:22	2:35	4:43	2:36	4:02	1:44	4:30	2:13	4:38	
MR-6	UNE-P, POTS, Hrs:Min	D	8:27	14:54	7:46	12:43	8:44	12:15	8:05	11:14	7:31	11:55	
MR-6	UNE-P, Centrex, Hrs:Min	ND	2:06	6:42	1:38	2:40	2:18	3:12	2:10	3:12	1:40	6:40	
MR-6	UNE-P, Centrex, Hrs:Min	D	6:03	8:49	7:01	11:19	7:57	9:45	6:23	19:35	8:10	12:27	
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	2:19	3:14	3:18	2:47	0:40	2:58	5:21	2:29	2:00	3:36	c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-6	UNE-P, Centrex 21, Hrs:Min	D	7:44	11:03	3:42	8:28	2:58	9:03	10:38	7:58	4:09	7:25	c d e
MR-7	**Repair Repeat Report Rate**												
MR-7	Basic Rate ISDN, %	ND		21.97%	0%	19.53%		13.58%		12.58%		12.81%	a b c d e
MR-7	Basic Rate ISDN, %	D		25.00%		17.54%		9.91%	50.00%	9.82%		17.74%	a b c d e
MR-7	Business, %	ND	11.11%	12.90%	0%	11.84%	12.50%	11.76%	0%	11.78%	28.57%	11.96%	a b d e
MR-7	Business, %	D	16.67%	14.00%	0%	12.41%	11.76%	11.77%	0%	11.32%	0%	10.51%	
MR-7	Centrex 21, %	D	50.00%	12.29%	0%	12.41%	0%	10.34%	0%	10.61%	0%	9.04%	a b c d e
MR-7	Centrex 21, %	ND	33.33%	12.12%	0%	14.15%	0%	13.36%		11.92%		8.13%	a b c d e
MR-7	Centrex, %	ND		12.12%	0%	20.00%	16.67%	16.00%		11.76%	0%	6.67%	a b c d e
MR-7	Centrex, %	D	0%	14.55%	20.00%	10.53%	40.00%	10.00%	0%	10.34%	0%	5.13%	a b c d e
MR-7	DS0, %		15.15%	20.39%	15.79%	20.99%	12.50%	16.13%	12.50%	15.30%	0%	16.41%	c e
MR-7	DS1, %		50.00%	26.06%	20.00%	27.13%	14.29%	14.77%	7.14%	14.63%	0%	13.54%	a b e
MR-7	DS3, %			19.23%		28.57%		9.68%		9.09%		11.11%	a b c d e
MR-7	E911, %			33.33%		0%						0%	a b c d e
MR-7	EELs, %		46.51%		41.25%		21.05%		14.55%		16.30%		
MR-7	Frame Relay, %		0%	22.91%		26.14%		15.95%		13.33%		15.49%	a b c d e
MR-7	ISDN Primary, %		50.00%	20.99%		13.16%	0%	8.06%	33.33%	8.16%	0%	4.55%	a b c d e
MR-7	Line Sharing, %	ND	27.45%	39.48%	23.76%	37.73%	35.24%	15.64%	30.00%	17.17%	45.83%	16.82%	
MR-7	Line Sharing, %	D	35.48%	41.56%	34.78%	39.10%	34.09%	23.97%	38.64%	24.75%	28.00%	23.46%	
MR-7	LIS Trunk, %		5.56%	5.88%	25.00%	20.00%	17.86%	5.26%	20.00%	6.25%	11.11%	0%	
MR-7	PBX, %	ND	33.33%	13.61%	25.00%	12.62%	0%	13.61%	0%	16.15%	0%	5.43%	a b c d e
MR-7	PBX, %	D	0%	9.71%		8.27%		10.59%		3.33%		9.59%	a b c d e
MR-7	Qwest DSL, %			40.00%		38.13%		17.61%		18.80%	100%	18.16%	a b c d e
MR-7	Residence, %	ND	16.47%	14.08%	13.85%	13.89%	4.65%	13.46%	6.12%	10.50%	5.00%	9.10%	
MR-7	Residence, %	D	12.19%	14.64%	10.37%	14.58%	8.86%	11.78%	5.83%	10.87%	9.46%	10.23%	
MR-7	UBL - 2-wire, %		6.52%	23.29%	24.56%	18.77%	5.88%	12.43%	22.58%	11.44%	16.67%	14.48%	
MR-7	UBL - 4-wire, %		0%	26.06%	0%	27.13%		14.77%		14.63%	0%	13.54%	a b c d e
MR-7	UBL - ADSL Qualified, %			40.00%		38.13%		17.61%		18.80%		18.16%	a b c d e
MR-7	UBL - DS1 Capable, %		42.62%	26.06%	38.10%	27.13%	20.75%	14.77%	20.97%	14.63%	12.24%	13.54%	
MR-7	UBL - DS3 Capable, %			19.23%		28.57%		9.68%		9.09%		11.11%	a b c d e
MR-7	UBL - Analog, %		11.64%	14.44%	13.73%	14.16%	12.03%	12.07%	13.58%	10.87%	7.95%	10.12%	
MR-7	UBL - ISDN Capable, %		14.55%	23.29%	26.23%	18.77%	10.00%	12.43%	15.91%	11.44%	15.00%	14.48%	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7	UDIT Above DS1 Level, %		0%	19.23%	50.00%	28.57%	0%	9.68%	33.33%	9.09%	100%	11.11%	a b c d e
MR-7	UDIT DS1, %		0%	26.06%	0%	27.13%	0%	14.77%		14.63%	0%	13.54%	a b c d e
MR-7	UNE-P, POTS, %	ND	13.33%	13.90%	14.62%	13.57%	8.91%	13.20%	17.65%	10.70%	18.09%	9.62%	
MR-7	UNE-P, POTS, %	D	11.86%	14.57%	14.44%	14.31%	11.49%	11.78%	9.82%	10.92%	16.19%	10.26%	
MR-7	UNE-P, Centrex, %	ND	14.00%	12.12%	19.00%	20.00%	8.93%	16.00%	13.70%	11.76%	17.54%	6.67%	
MR-7	UNE-P, Centrex, %	D	17.09%	14.55%	14.29%	10.53%	15.13%	10.00%	12.69%	10.34%	11.50%	5.13%	
MR-7	UNE-P, Centrex 21, %	ND	28.57%	12.12%	7.69%	14.15%	0%	13.36%	0%	11.92%	28.57%	8.13%	c d e
MR-7	UNE-P, Centrex 21, %	D	41.94%	12.29%	11.11%	12.41%	0%	10.34%	0%	10.61%	18.18%	9.04%	d
MR-7*	Basic Rate ISDN, %	ND		31.13%		18.92%		10.77%		8.33%			a b c d e
MR-7*	Basic Rate ISDN, %	D		27.57%		16.00%		8.33%	50.00%	9.47%			a b c d e
MR-7*	Business, %	ND	0%	12.32%	0%	15.03%	12.50%	12.67%	0%	12.21%			a b c d e
MR-7*	Business, %	D	13.04%	14.07%	0%	12.33%	0%	11.67%	0%	11.08%			e
MR-7*	Centrex 21, %	ND		13.37%	0%	16.38%	0%	13.79%		13.38%			a b c d e
MR-7*	Centrex 21, %	D	50.00%	12.34%	0%	11.88%	0%	10.31%	0%	10.54%			a b c d e
MR-7*	Centrex, %	ND		16.00%	0%	13.64%	33.33%	0%		0%			a b c d e
MR-7*	Centrex, %	D	0%	14.29%	22.22%	11.54%	40.00%	9.26%	0%	11.11%			a b c d e
MR-7*	DS0, %		25.00%	18.78%	8.33%	17.57%	0%	15.70%	11.11%	15.90%			c d e
MR-7*	DS1, %		33.33%	27.18%	0%	27.51%	40.00%	14.51%	0%	13.93%			a b c d e
MR-7*	DS3, %			23.53%		29.17%		18.75%		11.11%			a b c d e
MR-7*	E911, %			0%		0%							a b c d e
MR-7*	EELs, %		46.38%		43.14%		21.95%		15.00%				e
MR-7*	Frame Relay, %		0%	20.81%		23.84%		14.89%		12.68%			a b c d e
MR-7*	ISDN Primary, %		50.00%	31.91%		16.22%	0%	7.50%	50.00%	8.33%			a b c d e
MR-7*	Line Sharing, %	ND	28.00%	38.20%	18.97%	41.24%	31.67%	13.64%	18.75%	16.22%			e
MR-7*	Line Sharing, %	D	38.46%	49.25%	34.29%	38.16%	36.11%	28.57%	31.43%	43.24%			e
MR-7*	LIS Trunk, %		0%	10.00%	7.69%	20.00%	16.00%	0%	16.67%	7.14%			e
MR-7*	PBX, %	ND	0%	14.41%	25.00%	12.61%	0%	11.11%	0%	9.59%			a b c d e
MR-7*	PBX, %	D	0%	10.47%		9.26%		11.94%		4.55%			a b c d e
MR-7*	Qwest DSL, %			40.67%		40.32%		16.36%		20.08%			a b c d e
MR-7*	Residence, %	ND	8.57%	15.54%	14.81%	14.70%	3.57%	15.16%	0%	11.55%			e
MR-7*	Residence, %	D	12.14%	14.36%	10.92%	14.31%	9.21%	11.45%	5.94%	10.48%			e
MR-7*	UBL - 2-wire, %		8.82%	28.87%	24.39%	17.13%	3.85%	9.32%	22.73%	9.16%			e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7*	UBL - 4-wire, %		0%	27.18%	0%	27.51%		14.51%		13.93%			a b c d e
MR-7*	UBL - ADSL Qualified, %			40.67%		40.32%		16.36%		20.08%			a b c d e
MR-7*	UBL - DS1 Capable, %		39.13%	27.18%	36.96%	27.51%	19.44%	14.51%	20.83%	13.93%			e
MR-7*	UBL - DS3 Capable, %			23.53%		29.17%		18.75%		11.11%			a b c d e
MR-7*	UBL - Analog, %		10.45%	14.40%	12.20%	14.15%	11.21%	11.86%	13.88%	10.70%			e
MR-7*	UBL - ISDN Capable, %		9.76%	28.87%	25.00%	17.13%	3.33%	9.32%	16.13%	9.16%			e
MR-7*	UDIT Above DS1 Level, %		0%	23.53%	50.00%	29.17%	0%	18.75%	33.33%	11.11%			a b c d e
MR-7*	UDIT DS1, %		0%	27.18%	0%	27.51%	0%	14.51%		13.93%			a b c d e
MR-7*	UNE-P, POTS, %	ND	12.90%	14.99%	11.76%	14.76%	6.67%	14.72%	19.23%	11.67%			e
MR-7*	UNE-P, POTS, %	D	12.42%	14.33%	13.87%	14.07%	10.53%	11.47%	8.84%	10.55%			e
MR-7*	UNE-P, Centrex, %	ND	16.13%	16.00%	16.07%	13.64%	14.71%	0%	14.58%	0%			e
MR-7*	UNE-P, Centrex, %	D	17.27%	14.29%	14.43%	11.54%	14.19%	9.26%	9.92%	11.11%			e
MR-7*	UNE-P, Centrex 21, %	ND	16.67%	13.37%	0%	16.38%	0%	13.79%	0%	13.38%			a b c d e
MR-7*	UNE-P, Centrex 21, %	D	46.43%	12.34%	7.69%	11.88%	0%	10.31%	0%	10.54%			d e
MR-8	**Trouble Rate**												
MR-8	Basic Rate ISDN, %		0%	1.52%	1.67%	1.59%	0%	1.03%	3.51%	0.79%	0%	1.08%	
MR-8	Business, %		0.65%	0.88%	0.73%	0.87%	0.69%	0.68%	0.42%	0.59%	0.60%	0.64%	
MR-8	Centrex 21, %		1.25%	0.76%	0.82%	0.72%	0.72%	0.56%	0.30%	0.52%	0.47%	0.58%	
MR-8	Centrex, %		0.51%	0.47%	0.99%	0.48%	0.93%	0.45%	0.17%	0.25%	0.35%	0.37%	
MR-8	Dark Fiber - IOF, %										0%		a b c d e
MR-8	Dark Fiber - Loop, %		0%		0%		0%		0%		0%		a b c d e
MR-8	DS0, %		1.92%	0.85%	1.12%	0.83%	0.48%	0.70%	0.96%	0.47%	0.50%	0.50%	
MR-8	DS1, %		2.01%	2.56%	3.30%	2.67%	4.43%	2.21%	4.18%	1.70%	1.74%	1.77%	
MR-8	DS3, %		0%	0.64%	0%	1.03%	0%	0.76%	0%	0.54%	0%	0.44%	a b c d e
MR-8	E911, %		0%	0.33%	0%	0.05%	0%	0%	0%	0%	0%	0.05%	
MR-8	EELs, %		8.84%		6.68%		4.14%		3.56%		5.28%		
MR-8	Frame Relay, %		33.33%	2.58%	0%	2.13%	0%	1.88%	0%	1.71%	0%	1.73%	a b c d e
MR-8	ISDN Primary, %		0.53%	0.07%	0%	0.06%	0.12%	0.05%	0.36%	0.04%	0.13%	0.05%	
MR-8	Line Sharing, %		1.50%	1.61%	2.49%	1.45%	2.31%	1.15%	2.09%	0.98%	1.97%	1.03%	
MR-8	LIS Trunk, %		0.01%	0.01%	0.01%	0.03%	0.01%	0.02%	0.01%	0.01%	0.01%	0%	
MR-8	PBX, %		0.13%	0.24%	0.22%	0.28%	0.11%	0.19%	0.03%	0.16%	0.21%	0.17%	
MR-8	Qwest DSL, %		0%	2.32%	0%	2.09%	0%	2.06%	0%	1.94%	5.56%	1.72%	

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8	Residence, %		1.37%	1.82%	1.06%	1.61%	0.74%	1.29%	0.59%	1.09%	0.80%	1.14%	
MR-8	UBL - 2-wire, %		0.82%	1.52%	1.03%	1.59%	0.62%	1.03%	0.57%	0.79%	0.55%	1.08%	
MR-8	UBL - 4-wire, %		3.85%	2.56%	2.63%	2.67%	0%	2.21%	0%	1.70%	1.32%	1.77%	
MR-8	UBL - ADSL Qualified, %			2.32%		2.09%		2.06%		1.94%		1.72%	a b c d e
MR-8	UBL - DS1 Capable, %		5.48%	2.56%	5.22%	2.67%	4.14%	2.21%	4.53%	1.70%	3.34%	1.77%	
MR-8	UBL - DS3 Capable, %			0.64%		1.03%		0.76%		0.54%		0.44%	a b c d e
MR-8	UBL - Analog, %		1.39%	1.61%	1.27%	1.45%	1.21%	1.15%	0.90%	0.98%	0.84%	1.03%	
MR-8	UBL - ISDN Capable, %		1.64%	1.52%	1.82%	1.59%	1.20%	1.03%	1.33%	0.79%	1.19%	1.08%	
MR-8	UDIT Above DS1 Level, %		0.92%	0.64%	1.78%	1.03%	2.63%	0.76%	1.25%	0.54%	0.39%	0.44%	
MR-8	UDIT DS1, %		2.86%	2.56%	1.75%	2.67%	1.75%	2.21%	0%	1.70%	1.69%	1.77%	
MR-8	UNE-P, POTS, %		1.07%	1.61%	1.18%	1.45%	0.86%	1.15%	0.83%	0.98%	0.83%	1.03%	
MR-8	UNE-P, Centrex, %		1.00%	0.47%	1.01%	0.48%	0.71%	0.45%	0.79%	0.25%	0.69%	0.37%	
MR-8	UNE-P, Centrex 21, %		1.24%	0.76%	1.02%	0.72%	0.46%	0.56%	0.33%	0.52%	0.50%	0.58%	
MR-8*	Basic Rate ISDN, %		0%	0.82%	0%	0.82%	0%	0.47%	3.51%	0.38%			e
MR-8*	Business, %		0.53%	0.72%	0.67%	0.71%	0.44%	0.56%	0.32%	0.49%			e
MR-8*	Centrex 21, %		0.62%	0.63%	0.82%	0.57%	0.72%	0.45%	0.30%	0.41%			e
MR-8*	Centrex, %		0.51%	0.39%	0.91%	0.39%	0.68%	0.32%	0.17%	0.19%			e
MR-8*	Dark Fiber - Loop, %		0%		0%		0%		0%				a b c d e
MR-8*	DS0, %		0.93%	0.61%	0.71%	0.55%	0.18%	0.53%	0.54%	0.32%			e
MR-8*	DS1, %		1.00%	1.71%	0.99%	1.68%	1.58%	1.51%	2.09%	1.13%			e
MR-8*	DS3, %		0%	0.42%	0%	0.59%	0%	0.39%	0%	0.22%			a b c d e
MR-8*	E911, %		0%	0.22%	0%	0.05%	0%	0%	0%	0%			e
MR-8*	EELs, %		7.09%		4.26%		2.98%		2.59%				e
MR-8*	Frame Relay, %		33.33%	1.57%	0%	1.39%	0%	1.14%	0%	1.16%			a b c d e
MR-8*	ISDN Primary, %		0.53%	0.04%	0%	0.03%	0.12%	0.03%	0.24%	0.02%			e
MR-8*	Line Sharing, %		0.93%	1.36%	1.58%	1.21%	1.49%	0.97%	1.20%	0.82%			e
MR-8*	LIS Trunk, %		0.01%	0.01%	0.01%	0.02%	0.01%	0.01%	0.01%	0.01%			e
MR-8*	PBX, %		0.08%	0.16%	0.11%	0.18%	0.03%	0.12%	0.03%	0.10%			e
MR-8*	Qwest DSL, %		0%	1.13%	0%	0.99%	0%	1.08%	0%	1.07%			e
MR-8*	Residence, %		1.18%	1.53%	0.89%	1.34%	0.66%	1.08%	0.50%	0.91%			e
MR-8*	UBL - 2-wire, %		0.61%	0.82%	0.74%	0.82%	0.47%	0.47%	0.40%	0.38%			e
MR-8*	UBL - 4-wire, %		1.28%	1.71%	1.32%	1.68%	0%	1.51%	0%	1.13%			e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8*	UBL - ADSL Qualified, %			1.13%		0.99%		1.08%		1.07%			a b c d e
MR-8*	UBL - DS1 Capable, %		4.13%	1.71%	3.81%	1.68%	2.81%	1.51%	3.51%	1.13%			e
MR-8*	UBL - DS3 Capable, %			0.42%		0.59%		0.39%		0.22%			a b c d e
MR-8*	UBL - Analog, %		0.92%	1.36%	0.83%	1.21%	0.78%	0.97%	0.56%	0.82%			e
MR-8*	UBL - ISDN Capable, %		1.22%	0.82%	1.55%	0.82%	0.90%	0.47%	0.93%	0.38%			e
MR-8*	UDIT Above DS1 Level, %		0.46%	0.42%	0.89%	0.59%	1.75%	0.39%	1.25%	0.22%			e
MR-8*	UDIT DS1, %		0.95%	1.71%	1.75%	1.68%	0.88%	1.51%	0%	1.13%			e
MR-8*	UNE-P, POTS, %		0.84%	1.36%	0.96%	1.21%	0.67%	0.97%	0.67%	0.82%			e
MR-8*	UNE-P, Centrex, %		0.84%	0.39%	0.84%	0.39%	0.63%	0.32%	0.65%	0.19%			e
MR-8*	UNE-P, Centrex 21, %		0.81%	0.63%	0.84%	0.57%	0.35%	0.45%	0.27%	0.41%			e
MR-9	**Repair Appointments Met**												
MR-9	Basic Rate ISDN, %	ND		100%		100%		100%		100%		100%	a b c d e
MR-9	Basic Rate ISDN, %	D		80.00%		66.67%		100%		66.67%		66.67%	a b c d e
MR-9	Business, %	ND	100%	97.98%	100%	97.74%	100%	98.08%	100%	98.32%	100%	97.91%	a b d e
MR-9	Business, %	D	100%	90.18%	96.67%	93.45%	88.24%	93.08%	100%	93.68%	100%	92.72%	
MR-9	Centrex 21, %	ND	100%	94.95%	100%	97.23%	100%	96.98%		97.31%		93.29%	a b c d e
MR-9	Centrex 21, %	D	100%	86.03%	100%	87.88%	100%	90.56%	100%	91.56%	100%	90.38%	a b c d e
MR-9	Centrex, %	ND		80.00%	100%	96.55%	100%	100%		93.33%	100%	95.45%	a b c d e
MR-9	Centrex, %	D	50.00%	84.00%	100%	72.92%	100%	79.25%	100%	78.57%	100%	83.78%	a b c d e
MR-9	PBX, %	ND		100%	100%	100%		96.00%		100%		100%	a b c d e
MR-9	PBX, %	D	100%	84.21%		88.41%		87.04%		86.67%		89.80%	a b c d e
MR-9	Residence, %	ND	97.65%	98.73%	100%	99.52%	100%	99.22%	97.96%	99.14%	100%	98.65%	
MR-9	Residence, %	D	99.69%	95.55%	99.17%	97.36%	99.37%	97.75%	100%	97.71%	99.32%	97.78%	
MR-9	UNE-P, POTS, %	D	90.40%	94.97%	93.58%	96.88%	93.92%	97.18%	90.80%	97.22%	91.91%	97.17%	
MR-9	UNE-P, POTS, %	ND	100%	98.62%	97.69%	99.24%	97.03%	99.05%	98.82%	99.02%	97.87%	98.52%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**												
MR-10	Basic Rate ISDN, %			26.59%	50.00%	24.01%		29.76%	33.33%	32.92%		30.15%	a b c d e
MR-10	Business, %		44.07%	31.32%	35.71%	32.75%	35.29%	34.08%	23.08%	34.17%	31.71%	34.60%	
MR-10	Centrex 21, %		33.33%	29.74%	40.00%	31.63%	44.44%	29.90%	71.43%	32.33%	25.00%	31.89%	b c d e
MR-10	Centrex, %		0%	28.46%	29.41%	25.81%	35.29%	22.73%	66.67%	31.34%	33.33%	25.00%	a d e
MR-10	DS0, %		17.50%	25.78%	17.39%	23.95%	27.27%	26.54%	5.88%	31.46%	33.33%	33.45%	
MR-10	DS1, %		14.29%	14.71%	9.09%	15.04%	12.50%	14.12%	17.65%	17.18%	0%	18.23%	a e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-10	DS3, %			29.73%		25.00%		22.50%		15.38%		21.74%	a b c d e
MR-10	E911, %			0%		66.67%	100%					0%	a b c d e
MR-10	Frame Relay, %		0%	12.47%		17.76%		15.02%		14.29%		16.47%	a b c d e
MR-10	ISDN Primary, %		20.00%	32.50%		30.91%	0%	21.52%	0%	42.35%	0%	37.74%	a b c d e
MR-10	LIS Trunk, %		18.18%	43.33%	42.86%	31.37%	22.22%	45.71%	42.31%	30.43%	18.18%	66.67%	
MR-10	PBX, %		28.57%	25.94%	11.11%	32.20%	50.00%	32.36%	50.00%	31.65%	22.22%	28.11%	a b c d e
MR-10	Qwest DSL, %			50.64%		49.81%		56.44%		56.10%	0%	61.01%	a b c d e
MR-10	Residence, %		31.59%	28.75%	33.62%	29.70%	35.16%	31.02%	32.44%	31.75%	30.37%	30.87%	
MR-10	UBL - 2-wire, %		8.00%	26.59%	10.94%	24.01%	2.86%	29.76%	11.43%	32.92%	18.92%	30.15%	
MR-10	UBL - 4-wire, %		0%	14.71%	33.33%	15.04%	100%	14.12%		17.18%	50.00%	18.23%	a b c d e
MR-10	UBL - ADSL Qualified, %			50.64%		49.81%		56.44%		56.10%		61.01%	a b c d e
MR-10	UBL - DS1 Capable, %		16.44%	14.71%	14.86%	15.04%	15.87%	14.12%	18.42%	17.18%	20.97%	18.23%	
MR-10	UBL - DS3 Capable, %			29.73%		25.00%		22.50%		15.38%		21.74%	a b c d e
MR-10	UBL - Analog, %		17.80%	29.06%	15.71%	30.11%	15.60%	31.43%	20.25%	32.08%	18.28%	31.40%	
MR-10	UBL - ISDN Capable, %		8.33%	26.59%	11.59%	24.01%	2.44%	29.76%	4.35%	32.92%	11.11%	30.15%	
MR-10	UDIT Above DS1 Level, %		0%	29.73%	20.00%	25.00%	0%	22.50%	0%	15.38%	0%	21.74%	a b c d e
MR-10	UDIT DS1, %		50.00%	14.71%	0%	15.04%	0%	14.12%		17.18%	0%	18.23%	a b c d e
MR-10	UNE-P, POTS, %		38.16%	29.06%	36.09%	30.11%	35.32%	31.43%	35.75%	32.08%	41.83%	31.40%	
MR-10	UNE-P, Centrex, %		32.53%	28.46%	35.15%	25.81%	34.59%	22.73%	31.46%	31.34%	30.04%	25.00%	
MR-10	UNE-P, Centrex 21, %		34.18%	29.74%	34.43%	31.63%	45.16%	29.90%	29.41%	32.33%	45.45%	31.89%	
MR-11	**LNP Trouble Reports Cleared**												
MR-11A	within 4 Hrs, LNP, %			52.97%		62.30%		67.38%		60.35%		65.12%	a b c d e
MR-11B	within 48 Hrs Volumes 0-20, LNP, Days		1.00	1.00		1.00		1.00	1.00	1.00		1.00	a b c d e
NETWORK PERFORMANCE													
NI-1	**Trunk Blocking**												
NI-1A	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0.01%	0%	0.01%	0.01%	0.05%	0%	0.03%	0%	0%	0%	
NI-1B	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0.01%	0.01%	0.05%	0%	0.01%	0%	0.02%	
NI-1C	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0.16%	0%	0.19%	0.01%	0.19%	0%	0.23%	0%	0.44%	0%	
NI-1D	Trunk Blockage to Qwest End Offices, LIS Trunk, %		7.34%	0%	0.71%	0.01%	0.94%	0.05%	0.50%	0.01%	0.76%	0.02%	
NP-1	**NXX Code Activation**												
NP-1A	All, %		100%			100%	100%		100%				a b c d e
NP-1B	Facility Delays, All, %		0%			0%	0%		0%				a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
ORDER ACCURACY													
OA-1	All, %		99.48%		99.78%		99.75%		99.92%		99.56%		
ORDERING AND PROVISIONING													
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**												
OP-2	All, %		97.82%	82.25%	97.62%	86.07%	98.19%	77.80%	98.92%	84.04%	98.17%	75.49%	
OP-3	**Installation Commitments Met**												
OP-3	Basic Rate ISDN, %	ND				100%	100%	100%		60.00%		100%	a b c d e
OP-3	Basic Rate ISDN, %	D		80.00%		88.89%		85.71%		100%		100%	a b c d e
OP-3	Basic Rate ISDN, %		100%	89.61%	100%	95.30%	100%	94.13%		87.97%		86.55%	a b c d e
OP-3	Business, %	ND	100%	98.02%	95.65%	97.82%	97.50%	97.98%	100%	98.41%	100%	98.72%	
OP-3	Business, %	D	100%	93.34%	100%	95.38%	100%	94.81%	91.67%	95.74%	100%	96.16%	b
OP-3	Centrex 21, %	ND	100%	96.93%		97.78%		96.00%		95.51%	100%	95.90%	a b c d e
OP-3	Centrex 21, %	D	100%	92.62%		91.53%	100%	93.68%	100%	95.04%		93.82%	a b c d e
OP-3	Centrex, %	ND		100%		70.00%		100%		100%		100%	a b c d e
OP-3	Centrex, %	D		67.57%		89.58%		63.64%		75.00%		82.61%	a b c d e
OP-3	Dark Fiber - Loop, %						0%						a b c d e
OP-3	DS0, %	ND				100%	100%	0%		100%			a b c d e
OP-3	DS0, %	D								100%		100%	a b c d e
OP-3	DS0, %		88.10%	81.40%	96.43%	77.27%	100%	93.83%	85.71%	79.49%	100%	75.36%	e
OP-3	DS1, %			91.73%	66.67%	88.85%	50.00%	90.72%	100%	91.84%	50.00%	88.47%	a b c d e
OP-3	DS3, %			81.71%		81.36%		82.22%		78.85%		82.86%	a b c d e
OP-3	E911, %			100%				33.33%		100%			a b c d e
OP-3	EELs, %		88.82%		87.11%		88.14%		90.00%		89.90%		
OP-3	Frame Relay, %		100%	72.26%		87.88%		87.13%		81.56%		80.19%	a b c d e
OP-3	ISDN Primary, %	ND		100%		100%				100%		100%	a b c d e
OP-3	ISDN Primary, %	D		0%						100%			a b c d e
OP-3	ISDN Primary, %			63.54%		82.24%	100%	49.31%		75.08%		83.21%	a b c d e
OP-3	Line Sharing, %	ND	96.97%	99.42%	98.86%	99.54%	99.08%	99.38%	99.85%	99.60%	99.62%	99.56%	
OP-3	Line Sharing, %	D		95.74%		96.74%		96.62%		97.19%		97.26%	a b c d e
OP-3	LIS Trunk, %		96.43%	98.53%	92.06%	73.81%	94.74%	88.41%	87.88%	95.83%	100%	87.50%	
OP-3	PBX, %	ND	100%	100%	100%	91.67%		85.71%		100%		100%	a b c d e
OP-3	PBX, %	D		96.67%		95.83%		77.27%		91.67%		92.31%	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-3	PBX, %			74.36%		67.35%	100%	71.01%	100%	71.70%		47.95%	a b c d e
OP-3	Qwest DSL, %	D	100%	95.76%	0%	96.78%	100%	97.44%	100%	98.32%	100%	97.60%	a b c d e
OP-3	Qwest DSL, %	ND	96.77%	98.95%	100%	99.33%	100%	99.48%	100%	99.53%	96.30%	99.18%	
OP-3	Qwest DSL, %		100%	92.00%		93.62%		96.55%		86.49%		88.46%	a b c d e
OP-3	Residence, %	ND	99.81%	99.47%	100%	99.61%	100%	99.43%	99.83%	99.64%	99.74%	99.60%	
OP-3	Residence, %	D	98.28%	96.39%	98.67%	97.11%	98.32%	97.10%	98.45%	97.59%	99.38%	97.60%	
OP-3	Sub-Loop Unbundling, %	ND											a b c d e
OP-3	Sub-Loop Unbundling, %	D											a b c d e
OP-3	UBL - 2-wire, %		99.52%	89.44%	100%	95.21%	99.22%	94.02%	100%	87.76%	99.59%	86.78%	
OP-3	UBL - 4-wire, %		100%	91.73%	100%	88.85%		90.72%	100%	91.84%		88.47%	a b c d e
OP-3	UBL - ADSL Qualified, %			95.70%		96.66%		97.45%		98.19%		97.61%	a b c d e
OP-3	UBL - DS1 Capable, %		96.97%	91.73%	92.47%	88.85%	97.06%	90.72%	96.64%	91.84%	95.16%	88.47%	
OP-3	UBL - DS3 Capable, %			81.71%		81.36%		82.22%		78.85%		82.86%	a b c d e
OP-3	UBL - Analog, %	ND											a b c d e
OP-3	UBL - Analog, %	D											a b c d e
OP-3	UBL - Analog, %		98.52%	95.74%	99.05%	96.74%	99.43%	96.62%	99.00%	97.19%	98.09%	97.26%	
OP-3	UBL - Conditioned, %		60.48%		94.80%		84.93%		82.54%		81.90%		
OP-3	UBL - ISDN Capable, %		96.75%	89.44%	98.03%	95.21%	94.79%	94.02%	95.69%	87.76%	95.77%	86.78%	
OP-3	UDIT Above DS1 Level, %		100%	81.71%	55.56%	81.36%		82.22%	100%	78.85%	100%	82.86%	a b c d e
OP-3	UDIT DS1, %		100%	91.73%	5.13%	88.85%		90.72%	100%	91.84%		88.47%	a c d e
OP-3	UNE-P, POTS, %	D	93.33%	95.74%	95.63%	96.74%	93.28%	96.62%	98.24%	97.19%	95.34%	97.26%	
OP-3	UNE-P, POTS, %	ND	99.52%	99.42%	99.94%	99.54%	99.78%	99.38%	99.86%	99.60%	99.92%	99.56%	
OP-3	UNE-P, Centrex, %	ND	96.20%	100%	97.85%	70.00%	98.39%	100%	97.22%	100%	96.92%	100%	
OP-3	UNE-P, Centrex, %	D	99.15%	67.57%	95.78%	89.58%	94.12%	63.64%	91.89%	75.00%	92.59%	82.61%	
OP-3	UNE-P, Centrex 21, %	ND	100%	96.93%	100%	97.78%	100%	96.00%	100%	95.51%	100%	95.90%	c d e
OP-3	UNE-P, Centrex 21, %	D	92.86%	92.62%	100%	91.53%	100%	93.68%	100%	95.04%	100%	93.82%	b c d e
OP-4	**Installation Interval**												
OP-4	Basic Rate ISDN, Avg Days	ND				0	2	3		3.67			a b c d e
OP-4	Basic Rate ISDN, Avg Days	D		3.3		3.33		3.14		3		2.8	a b c d e
OP-4	Basic Rate ISDN, Avg Days		3.5	13	12.67	14.43	2	12.93		12.14		9.65	a b c d e
OP-4	Business, Avg Days	ND	1.82	4.75	1.93	3.35	2.19	3.42	1.63	3.1	1.2	3.25	d
OP-4	Business, Avg Days	D	4.25	5.94	3.14	6	2.73	6.14	4.17	6.53	2.69	5.53	b

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	Centrex 21, Avg Days	ND		8.32		2.84		5.15		4.36	1	3.65	a b c d e
OP-4	Centrex 21, Avg Days	D	3	6.31		6.14	7	7	2	7.19		8.6	a b c d e
OP-4	Centrex, Avg Days	ND		1		5.78		4		2.38		3.14	a b c d e
OP-4	Centrex, Avg Days	D		17.05		5.35		8.77		5.13		6	a b c d e
OP-4	DS0, Avg Days	ND				0	1	262		0			a b c d e
OP-4	DS0, Avg Days	D								0		0	a b c d e
OP-4	DS0, Avg Days		5.08	8.96	5	9.04	4.8	6.16	6.83	8.79	3	8.74	c e
OP-4	DS1, Avg Days			11.52	10.67	13.63	10	12.81	9	12.17	8	11.98	a b c d e
OP-4	DS3, Avg Days			19.19		18.43		17.88		16.57		18.84	a b c d e
OP-4	E911, Avg Days		22	24	24	91		181.13	33.25	14.1	36		a b c d e
OP-4	EELs, Avg Days		6.69		6.26		6.66		6.99		6.16		
OP-4	Frame Relay, Avg Days			13.33		12		19		11.33		19.5	a b c d e
OP-4	ISDN Primary, Avg Days	ND		0		5				2		4.75	a b c d e
OP-4	ISDN Primary, Avg Days	D		5						5			a b c d e
OP-4	ISDN Primary, Avg Days			24.16		15.06	6	17.91		16.5		14.51	a b c d e
OP-4	Line Sharing, Avg Days	ND	3.23	3.78	3.03	3.72	3	3.65	2.99	3.55	2.99	3.43	
OP-4	Line Sharing, Avg Days	D		5.67		5.64		5.83		5.86		5.13	a b c d e
OP-4	LIS Trunk, Avg Days		18.6	14.59	12.51	25.54	14.9	25.32	16.72	17.93	21.05	20.22	
OP-4	PBX, Avg Days	ND		1.75		2.1		8.17		4.2		2	a b c d e
OP-4	PBX, Avg Days	D		5.2		6.21		9.95		11.63		10.77	a b c d e
OP-4	PBX, Avg Days			18.31		14.83		15.35		14.17		15.29	a b c d e
OP-4	Qwest DSL, Avg Days	ND	5.25	4.85	5	4.88	4.88	4.93	5.68	4.86	6	4.86	
OP-4	Qwest DSL, Avg Days	D	5.67	5.28	7	5.34	3	5.28	4.5	5.56	4	5.23	a b c d e
OP-4	Qwest DSL, Avg Days		3	5.25		4.66		5.59		4.49		4.12	a b c d e
OP-4	Residence, Avg Days	ND	1.76	3.76	1.5	3.73	2.01	3.66	2.47	3.56	2.33	3.44	
OP-4	Residence, Avg Days	D	3	5.6	3.3	5.53	3.22	5.74	3.37	5.67	3.31	5.01	
OP-4	Sub-Loop Unbundling, Avg Days	ND											a b c d e
OP-4	Sub-Loop Unbundling, Avg Days	D											a b c d e
OP-4	UBL - 2-wire, Avg Days		3.33	12.82	3.24	14.23	3.37	12.72	3.4	11.95	3.35	9.55	
OP-4	UBL - 4-wire, Avg Days		4	11.52	3.8	13.63		12.81	5	12.17		11.98	a b c d e
OP-4	UBL - ADSL Qualified, Avg Days			5.28		5.34		5.28		5.55		5.23	a b c d e
OP-4	UBL - DS1 Capable, Avg Days		8.15	11.52	8.29	13.63	8.47	12.81	8.18	12.17	8.6	11.98	

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			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	UBL - DS3 Capable, Avg Days			19.19		18.43		17.88		16.57		18.84	a b c d e
OP-4	UBL - Analog, Avg Days	ND											a b c d e
OP-4	UBL - Analog, Avg Days	D											a b c d e
OP-4	UBL - Analog, Avg Days		4.93	5.67	5.29	5.64	5.07	5.83	5.18	5.86	5.2	5.13	
OP-4	UBL - Conditioned, Avg Days		8.3		8.13		6.54		7.93		8.4		
OP-4	UBL - ISDN Capable, Avg Days		4.03	12.82	3.95	14.23	4	12.72	4.04	11.95	4.16	9.55	
OP-4	UDIT Above DS1 Level, Avg Days		11.6	19.19	12	18.43	8	17.88	14.56	16.57	16.4	18.84	a c d
OP-4	UDIT DS1, Avg Days		8	11.52	19.63	13.63		12.81	8.5	12.17		11.98	a c d e
OP-4	UNE-P, POTS, Avg Days	ND	3.21	3.78	2.24	3.72	2.27	3.65	2.76	3.55	2.16	3.43	
OP-4	UNE-P, POTS, Avg Days	D	4.96	5.67	4.11	5.64	4.21	5.83	4.98	5.86	4.52	5.13	
OP-4	UNE-P, Centrex, Avg Days	ND	4.16	1	4.53	5.78	3.85	4	4.04	2.38	4.37	3.14	
OP-4	UNE-P, Centrex, Avg Days	D	4.58	17.05	4.62	5.35	5.52	8.77	5.87	5.13	6.17	6	
OP-4	UNE-P, Centrex 21, Avg Days	ND		8.32		2.84	3	5.15	5	4.36	2.33	3.65	a b c d e
OP-4	UNE-P, Centrex 21, Avg Days	D	4.5	6.31	10.5	6.14	6.5	7	6.5	7.19	3.5	8.6	b c d e
OP-5	**New Service Installation Quality**												
OP-5	Basic Rate ISDN, %		100%	92.02%	100%	96.24%	100%	95.60%	100%	96.97%		92.86%	a b c d e
OP-5	Business, %		93.44%	85.67%	93.02%	93.66%	85.37%	89.98%	92.86%	90.74%	92.31%	90.42%	
OP-5	Centrex 21, %		90.91%	74.12%	100%	89.78%	100%	86.17%	100%	90.87%	100%	88.18%	b c d e
OP-5	Centrex, %			70.27%		93.75%		86.84%		95.00%		92.31%	a b c d e
OP-5	Dark Fiber - Loop, %						100%		100%				a b c d e
OP-5	DS0, %		67.57%	41.07%	88.57%	91.94%	100%	84.71%	95.24%	93.41%	100%	98.78%	
OP-5	DS1, %		100%	88.68%	100%	95.18%	66.67%	94.42%	100%	94.55%	100%	95.61%	a b c d e
OP-5	DS3, %			100%		96.43%		95.00%		96.43%		98.59%	a b c d e
OP-5	E911, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
OP-5	EELs, %		80.65%		94.79%		97.22%		95.18%		91.12%		
OP-5	Frame Relay, %		0%	92.82%	100%	96.55%		96.17%		91.89%		97.06%	a b c d e
OP-5	ISDN Primary, %		100%	96.63%		98.08%	100%	98.88%	100%	92.93%		96.59%	a b c d e
OP-5	Line Sharing, %		92.35%	86.19%	90.60%	91.64%	88.15%	88.88%	88.15%	89.01%	90.58%	88.87%	
OP-5	LIS Trunk, %		100%	93.85%	100%	98.94%	100%	97.98%	100%	98.61%	100%	97.62%	
OP-5	PBX, %		50.00%	80.00%	0%	94.74%	100%	89.91%	100%	95.19%	100%	93.00%	a b c d e
OP-5	Qwest DSL, %		100%	99.80%	100%	99.98%	100%	99.91%	100%	99.92%	100%	100%	
OP-5	Residence, %		94.56%	86.24%	97.04%	91.40%	96.35%	88.74%	96.02%	88.80%	92.48%	88.67%	

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			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5	Sub-Loop Unbundling, %												a b c d e
OP-5	UBL - 2-wire, %		95.29%	92.02%	97.46%	96.24%	99.10%	91.20%	97.70%	93.94%	99.21%	85.71%	
OP-5	UBL - 4-wire, %		92.86%	88.68%	75.00%	95.18%	100%	94.42%	100%	94.55%	100%	95.61%	b c d e
OP-5	UBL - ADSL Qualified, %			99.15%		99.93%		99.63%		99.71%		100%	a b c d e
OP-5	UBL - DS1 Capable, %		87.02%	88.68%	97.56%	95.18%	87.96%	94.42%	86.67%	94.55%	91.67%	95.61%	
OP-5	UBL - DS3 Capable, %			100%		96.43%		95.00%		96.43%		98.59%	a b c d e
OP-5	UBL - Analog, %		96.27%	63.59%	98.31%	79.08%	95.74%	72.49%	97.17%	73.15%	97.90%	72.25%	
OP-5	UBL - ISDN Capable, %		93.02%	92.02%	95.27%	96.24%	94.66%	91.20%	91.89%	93.94%	97.81%	85.71%	
OP-5	UDIT Above DS1 Level, %		66.67%	100%	100%	96.43%	88.89%	95.00%	100%	96.43%	100%	98.59%	a b c d
OP-5	UDIT DS1, %		100%	88.68%	100%	95.18%	100%	94.42%	100%	94.55%	100%	95.61%	a d e
OP-5	UNE-P, POTS, %		94.72%	86.19%	96.35%	91.64%	97.08%	88.88%	97.21%	89.01%	97.56%	88.87%	
OP-5	UNE-P, Centrex, %		89.02%	70.27%	92.54%	93.75%	91.51%	73.68%	92.57%	90.00%	89.39%	84.62%	
OP-5	UNE-P, Centrex 21, %		76.67%	74.12%	84.00%	89.78%	94.12%	86.17%	81.25%	90.87%	93.75%	88.18%	
OP-5*	Basic Rate ISDN, %		100%	96.90%	100%	100%	100%	98.60%	100%	98.74%			a b c d e
OP-5*	Business, %		93.44%	87.90%	88.37%	92.06%	87.80%	91.71%	95.24%	92.06%			e
OP-5*	Centrex 21, %		95.45%	79.42%	100%	88.78%	100%	87.30%	100%	92.12%			b c d e
OP-5*	Centrex, %			81.08%		91.67%		89.47%		95.00%			a b c d e
OP-5*	Dark Fiber - Loop, %						100%		100%				a b c d e
OP-5*	DS0, %		86.49%	55.36%	100%	85.48%	100%	89.41%	100%	98.90%			e
OP-5*	DS1, %		100%	92.97%	50.00%	96.57%	66.67%	96.18%	100%	96.27%			a b c d e
OP-5*	DS3, %			100%		98.81%		98.33%		98.21%			a b c d e
OP-5*	E911, %		100%	100%	100%	100%	100%	100%	100%	100%			a b c d e
OP-5*	EELs, %		84.41%		97.16%		97.62%		96.93%				e
OP-5*	Frame Relay, %		0%	94.87%	100%	98.85%		98.91%		93.51%			a b c d e
OP-5*	ISDN Primary, %		100%	98.13%		99.62%	100%	99.63%	100%	95.41%			a b c d e
OP-5*	Line Sharing, %		95.99%	88.27%	91.58%	90.63%	92.36%	90.11%	92.29%	90.06%			e
OP-5*	LIS Trunk, %		100%	95.38%	100%	97.87%	100%	97.98%	100%	98.61%			e
OP-5*	PBX, %		50.00%	87.14%	100%	98.25%	100%	94.50%	100%	98.08%			a b c d e
OP-5*	Qwest DSL, %		100%	99.83%	100%	99.92%	100%	99.91%	100%	99.92%			e
OP-5*	Residence, %		95.18%	88.31%	97.55%	90.46%	96.66%	89.91%	96.52%	89.82%			e
OP-5*	Sub-Loop Unbundling, %												a b c d e
OP-5*	UBL - 2-wire, %		96.34%	96.90%	99.49%	98.80%	99.55%	97.20%	98.47%	97.47%			e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5*	UBL - 4-wire, %		100%	92.97%	100%	96.57%	100%	96.18%	100%	96.27%			b c d e
OP-5*	UBL - ADSL Qualified, %			99.27%		99.65%		99.63%		99.71%			a b c d e
OP-5*	UBL - DS1 Capable, %		93.89%	92.97%	95.94%	96.57%	95.37%	96.18%	88.33%	96.27%			e
OP-5*	UBL - DS3 Capable, %			100%		98.81%		98.33%		98.21%			a b c d e
OP-5*	UBL - Analog, %		97.72%	69.07%	96.62%	76.55%	97.53%	75.54%	98.30%	75.72%			e
OP-5*	UBL - ISDN Capable, %		96.12%	96.90%	97.30%	98.80%	96.95%	97.20%	94.59%	97.47%			e
OP-5*	UDIT Above DS1 Level, %		66.67%	100%	88.89%	98.81%	88.89%	98.33%	100%	98.21%			a b c d e
OP-5*	UDIT DS1, %		100%	92.97%	100%	96.57%	100%	96.18%	100%	96.27%			a d e
OP-5*	UNE-P, POTS, %		95.83%	88.27%	97.26%	90.63%	97.57%	90.11%	97.74%	90.06%			e
OP-5*	UNE-P, Centrex, %		89.77%	81.08%	93.42%	91.67%	92.92%	78.95%	93.71%	90.00%			e
OP-5*	UNE-P, Centrex 21, %		90.00%	79.42%	96.00%	88.78%	94.12%	87.30%	87.50%	92.12%			e
OP-6A	**Delayed Days for Non-Facility Reasons**												
OP-6A	Basic Rate ISDN, Avg Days	ND								5.5			a b c d e
OP-6A	Basic Rate ISDN, Avg Days	D		2		1		1					a b c d e
OP-6A	Basic Rate ISDN, Avg Days			15.62		19.35		9.79		5.47		5.33	a b c d e
OP-6A	Business, Avg Days	ND		46.74	18	10.54	11	6.53		3.58		5.07	a b c d e
OP-6A	Business, Avg Days	D		6.29		7.05		7.18		8.85		9.11	a b c d e
OP-6A	Centrex 21, Avg Days	ND		3		3.67		4		5		4.63	a b c d e
OP-6A	Centrex 21, Avg Days	D		5.5		5.22		6.83		5.88		6.85	a b c d e
OP-6A	Centrex, Avg Days	ND				11							a b c d e
OP-6A	Centrex, Avg Days	D		20.58		8.67		10.67		2		14.5	a b c d e
OP-6A	Dark Fiber - Loop, Avg Days						9						a b c d e
OP-6A	DS0, Avg Days	ND						255					a b c d e
OP-6A	DS0, Avg Days	D											a b c d e
OP-6A	DS0, Avg Days		1.25	9		27.73		14.2	14	11.06		8.81	a b c d e
OP-6A	DS1, Avg Days			14.5	3	21.54		14.98		25.94		17.22	a b c d e
OP-6A	DS3, Avg Days			22.1		18.56		16		15.13		41.33	a b c d e
OP-6A	E911, Avg Days							323.25					a b c d e
OP-6A	EELs, Avg Days		8.15		12		4.7		8.58		6		b c
OP-6A	Frame Relay, Avg Days			17.22		23.86		13.88		11.72		9.66	a b c d e
OP-6A	ISDN Primary, Avg Days	ND											a b c d e
OP-6A	ISDN Primary, Avg Days	D		2									a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6A	ISDN Primary, Avg Days			36.96		16.84		14.62		15.36		13.63	a b c d e
OP-6A	Line Sharing, Avg Days	ND	9.5	9.48	4	8.52	1.33	4.05	6.33	5.29	7.5	4.28	a b c d e
OP-6A	Line Sharing, Avg Days	D		5.03		6.45		5.98		6.38		7.03	a b c d e
OP-6A	LIS Trunk, Avg Days		13.5	13.2	10	22.27	14.5	21.17	2	15		30.67	a b c d e
OP-6A	PBX, Avg Days	ND				3		20					a b c d e
OP-6A	PBX, Avg Days	D		1		2		2		1		1	a b c d e
OP-6A	PBX, Avg Days			29.97		15.43		19.45		12.75		6.56	a b c d e
OP-6A	Qwest DSL, Avg Days	ND	2	8.53		5.79		8.38		7.22	2	8.21	a b c d e
OP-6A	Qwest DSL, Avg Days	D		3.48	2	4.47		4.77		4.11		4.53	a b c d e
OP-6A	Qwest DSL, Avg Days			5		2.33		1		2.4		2.33	a b c d e
OP-6A	Residence, Avg Days	ND	1	4.82		8.08		3.75	1	5.54	3	4.16	a b c d e
OP-6A	Residence, Avg Days	D	3	4.16	3.67	6.11	5	5.35	3.5	4.99	1.67	5.78	a b c d e
OP-6A	Sub-Loop Unbundling, Avg Days	D											a b c d e
OP-6A	UBL - 2-wire, Avg Days		2	15.17		18.48	1	9.2		5.47		5.33	a b c d e
OP-6A	UBL - 4-wire, Avg Days			14.5		21.54		14.98		25.94		17.22	a b c d e
OP-6A	UBL - ADSL Qualified, Avg Days			3.51		4.36		4.77		3.9		4.53	a b c d e
OP-6A	UBL - DS1 Capable, Avg Days		12.33	14.5	9	21.54	10.5	14.98	7	25.94	3	17.22	a b c d e
OP-6A	UBL - DS3 Capable, Avg Days			22.1		18.56		16		15.13		41.33	a b c d e
OP-6A	UBL - Analog, Avg Days		5.6	5.03	5.1	6.45	2.23	5.98	4.02	6.38	5.2	7.03	
OP-6A	UBL - Analog, Avg Days	ND											a b c d e
OP-6A	UBL - Analog, Avg Days	D											a b c d e
OP-6A	UBL - ISDN Capable, Avg Days		4	15.17	2.5	18.48	3	9.2	7	5.47	2.33	5.33	a b c d e
OP-6A	UDIT Above DS1 Level, Avg Days			22.1		18.56		16	26	15.13		41.33	a b c d e
OP-6A	UDIT DS1, Avg Days			14.5	24	21.54		14.98		25.94		17.22	a b c d e
OP-6A	UNE-P, POTS, Avg Days	ND	8.4	9.48	4	8.52	1.33	4.05	2.5	5.29	1	4.28	a b c d e
OP-6A	UNE-P, POTS, Avg Days	D	1.5	5.03	2	6.45	1.5	5.98	7.33	6.38	4.5	7.03	a b c d e
OP-6A	UNE-P, Centrex, Avg Days	ND	1.67		27	11	4		4		1.5		a b c d e
OP-6A	UNE-P, Centrex, Avg Days	D		20.58	5.33	8.67	1.8	10.67	1.43	2	1.5	14.5	a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	ND		3		3.67		4		5		4.63	a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	D	1	5.5		5.22	9	6.83		5.88		6.85	a b c d e
OP-6B	**Delayed Days for Facility Reasons**												
OP-6B	Basic Rate ISDN, Avg Days			11.71		18.64		16.55		15.64		7.39	a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6B	Business, Avg Days	ND				71.5		1		1			a b c d e
OP-6B	Business, Avg Days	D		18.12		13.07		9.86	7	11.36		7.83	a b c d e
OP-6B	Centrex 21, Avg Days	ND											a b c d e
OP-6B	Centrex 21, Avg Days	D		9.6		14		9		13		9.2	a b c d e
OP-6B	Centrex, Avg Days	D				24		15.5		7			a b c d e
OP-6B	DS0, Avg Days		6	1	12	3.67		17	1	8.33		9	a b c d e
OP-6B	DS1, Avg Days			15.33		14.88	1	13.35		14.84	4	16.31	a b c d e
OP-6B	DS3, Avg Days					31.75		37.57		32.4		28	a b c d e
OP-6B	EELs, Avg Days		7.2		6.69		10		8		7.22		a d e
OP-6B	Frame Relay, Avg Days			26		22.1		12.63		13.13		13.45	a b c d e
OP-6B	ISDN Primary, Avg Days	D											a b c d e
OP-6B	ISDN Primary, Avg Days			35.5		8.33		6.83		19.67		8.57	a b c d e
OP-6B	Line Sharing, Avg Days	ND	7.57	7	6.27	26.55	4.64	4.14	4.57	14	4.06	1	d
OP-6B	Line Sharing, Avg Days	D	8.4	12.59		11.27	10	9.74		9	2	6.95	a b c d e
OP-6B	LIS Trunk, Avg Days						6	24					a b c d e
OP-6B	PBX, Avg Days	D											a b c d e
OP-6B	PBX, Avg Days			37		2.6		3.5		6		20	a b c d e
OP-6B	Qwest DSL, Avg Days	ND											a b c d e
OP-6B	Qwest DSL, Avg Days	D		9		2		7				8	a b c d e
OP-6B	Residence, Avg Days	ND		7		16.56		4.67		18.33		1	a b c d e
OP-6B	Residence, Avg Days	D	12	10.92	5.5	10.76	2.5	9.71	9	8.09	9.5	6.61	a b c d e
OP-6B	UBL - 2-wire, Avg Days			11.71		18.64	5	16.55		15.64	5.5	7.39	a b c d e
OP-6B	UBL - 4-wire, Avg Days			15.33		14.88		13.35		14.84		16.31	a b c d e
OP-6B	UBL - ADSL Qualified, Avg Days			9		2		7				8	a b c d e
OP-6B	UBL - DS1 Capable, Avg Days		4	15.33	5	14.88	4.5	13.35	5.33	14.84	10	16.31	a b c d e
OP-6B	UBL - DS3 Capable, Avg Days					31.75		37.57		32.4		28	a b c d e
OP-6B	UBL - Analog, Avg Days	ND											a b c d e
OP-6B	UBL - Analog, Avg Days	D											a b c d e
OP-6B	UBL - Analog, Avg Days		10	12.59	11.8	11.27	5.6	9.74	6	9	9.1	6.95	a c e
OP-6B	UBL - ISDN Capable, Avg Days		8	11.71	5	18.64	6	16.55	8.75	15.64	13.33	7.39	a b c d e
OP-6B	UDIT Above DS1 Level, Avg Days				13.75	31.75		37.57		32.4		28	a b c d e
OP-6B	UDIT DS1, Avg Days			15.33	13.81	14.88		13.35		14.84		16.31	a c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6B	UNE-P, POTS, Avg Days	ND		7		26.55		4.14		14		1	a b c d e
OP-6B	UNE-P, POTS, Avg Days	D	6	12.59	1.5	11.27	7	9.74	4.5	9	3.67	6.95	a b c d e
OP-6B	UNE-P, Centrex, Avg Days	D	5		3	24	4	15.5	14.33	7	41		a b c d e
OP-6B	UNE-P, Centrex 21, Avg Days	ND											a b c d e
OP-6B	UNE-P, Centrex 21, Avg Days	D		9.6		14		9		13		9.2	a b c d e
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**												
OP-7	Analog, Hrs:Min		0:03		0:03		0:03		0:04		0:03		
OP-7	Other, Hrs:Min												a b c d e
OP-8	**Number Portability Timeliness**												
OP-8B	with Loop Coordination, %		98.47%		99.80%		99.76%		99.86%		99.63%		
OP-8C	without Loop Coordination, %		99.49%		99.67%		99.44%		99.85%		99.64%		
OP-13A	**Coordinated Cuts Completed on Time - Unbundled Loop**												
OP-13A	UBL - Analog, %		99.50%		99.74%		98.99%		99.50%		100%		
OP-13A	UBL - Other, %		97.62%		100%		100%		100%		98.99%		
OP-13B	**Coordinated Cuts Started Without CLEC Approval - Unbundled Loop**												
OP-13B	UBL - Analog, %		0%		0%		0.51%		0.12%		0%		
OP-13B	UBL - Other, %		1.59%		0%		0%		0%		0%		
OP-15A	**Interval for Pending Orders Delayed Past Due Date**												
OP-15A	Basic Rate ISDN, Avg Days			197.57		201.12		148.15		148.77		117.5	a b c d e
OP-15A	Business, Avg Days			110.81		107.79		112.53	10	118.57		151.84	a b c d e
OP-15A	Centrex 21, Avg Days			127.41		134.66		142.71		131.56		171	a b c d e
OP-15A	Centrex, Avg Days			127.53		221.4		77.2		22.57		142.6	a b c d e
OP-15A	DS0, Avg Days		8	282.41		246.06		243.28		145.06		110.8	a b c d e
OP-15A	DS1, Avg Days			72.42		90.9		106.69	0	91.24		72.44	a b c d e
OP-15A	DS3, Avg Days			57.04		40.09		35.36		37.15		45.94	a b c d e
OP-15A	E911, Avg Days			200.5		223.5		44					a b c d e
OP-15A	EELs, Avg Days		9.63		11.5		6.77		13.3		20.38		a b
OP-15A	Frame Relay, Avg Days			91.06		93.69		81.09		101.68		121.36	a b c d e
OP-15A	ISDN Primary, Avg Days			61.95		52.59		29.75		37.64		46.32	a b c d e
OP-15A	Line Sharing, Avg Days		4.13		9.4		3.38		3.09		4.8		b
OP-15A	LIS Trunk, Avg Days		30		4		1.5						a b c d e
OP-15A	PBX, Avg Days			111.5		132.86		141		143.43		107.43	a b c d e

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			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15A	Residence, Avg Days		117.36	117.42	260.13	116.21	252	126.04	240.4	136.91	231.55	154.54	b c d
OP-15A	Sub-Loop Unbundling, Avg Days												a b c d e
OP-15A	UBL - 2-wire, Avg Days		11.33	197.57	17.25	201.12	14	148.15	9.53	148.77	11.75	117.5	c e
OP-15A	UBL - 4-wire, Avg Days			72.42		90.9		106.69		91.24		72.44	a b c d e
OP-15A	UBL - DS1 Capable, Avg Days		17	72.42	11	90.9	11.5	106.69	7	91.24	16	72.44	a c d e
OP-15A	UBL - DS3 Capable, Avg Days			57.04		40.09		35.36		37.15		45.94	a b c d e
OP-15A	UBL - Analog, Avg Days		4.14	109.43	19.9	109.39	2.83	111.83	6.22	126.79	19.8	157.08	b
OP-15A	UBL - ISDN Capable, Avg Days		14	197.57	0.5	201.12	6.88	148.15	7.17	148.77	11.8	117.5	a b c d e
OP-15A	UDIT Above DS1 Level, Avg Days		5	57.04	28	40.09	2	35.36		37.15		45.94	a b c d e
OP-15A	UDIT DS1, Avg Days		343	72.42	366	90.9	386	106.69	407	91.24	429	72.44	a b c d e
OP-15A	UNE-P, POTS, Avg Days		54.5	115.35	35.67	113.85	30.33	122.21	31.1	130.85	63.8	153.81	a b c d e
OP-15A	UNE-P, Centrex, Avg Days		172.5	127.53	187.43	221.4	186.93	77.2	192.91	22.57	278.38	142.6	e
OP-15A	UNE-P, Centrex 21, Avg Days		12	127.41		134.66		142.71		131.56		171	a b c d e
OP-15B	**Pending Orders Delayed for Facilities Reasons**												
OP-15B	Basic Rate ISDN			17		16		22		25		18	a b c d e
OP-15B	Business			140		119		101	0	100		80	a b c d e
OP-15B	Centrex			2		0		0		0		0	a b c d e
OP-15B	Centrex 21			8		7		4		6		4	a b c d e
OP-15B	DS0		0	6		5		7		11		9	a b c d e
OP-15B	DS1			96		67		59	0	61		56	a b c d e
OP-15B	DS3			13		16		13		19		10	a b c d e
OP-15B	E911			0		0		0					a b c d e
OP-15B	EELs		7		6		10		18		11		a b c d e
OP-15B	Frame Relay			22		19		27		23		23	a b c d e
OP-15B	ISDN Primary			8		6		11		14		3	a b c d e
OP-15B	Line Sharing		93		9		13		22		29		a b c d e
OP-15B	LIS Trunk		1		2		0						a b c d e
OP-15B	PBX			6		4		4		5		5	a b c d e
OP-15B	Residence		1	278	0	279	1	238	1	174	0	132	a b c d e
OP-15B	Sub-Loop Unbundling												a b c d e
OP-15B	UBL - 2-wire		11	17	10	16	7	22	13	25	8	18	a b c d e
OP-15B	UBL - 4-wire			96		67		59		61		56	a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15B	UBL - DS1 Capable		2	96	11	67	3	59	6	61	7	56	a b c d e
OP-15B	UBL - DS3 Capable			13		16		13		19		10	a b c d e
OP-15B	UBL - Analog		19	261	9	229	5	209	15	176	11	133	a b c d e
OP-15B	UBL - ISDN Capable		2	17	2	16	5	22	4	25	5	18	a b c d e
OP-15B	UDIT Above DS1 Level		0	13	1	16	0	13		19		10	a b c d e
OP-15B	UDIT DS1		0	96	0	67	0	59	0	61	0	56	a b c d e
OP-15B	UNE-P, POTS		0	418	1	398	0	339	0	274	0	212	a b c d e
OP-15B	UNE-P, Centrex		3	2	1	0	5	0	2	0	2	0	a b c d e
OP-15B	UNE-P, Centrex 21		0	8		7		4		6		4	a b c d e
OP-17	**Timeliness of Disconnects associated with LNP Orders**												
OP-17A	LNP, %		100%		100%		99.91%		99.99%		100%		
OP-17B	LNP, %		100%		100%		100%		100%		100%		
OPERATOR SERVICES													
OS-1	**Speed of Answer - Operator Services**												
OS-1	All, Avg Sec			8.69		8.52		8.33		8.88		8.32	a b c d e
PRE-ORDER/ORDER													
PO-1	**Pre-Order/Order Response Times**												
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec		0.56		0.6		0.44		0.3		0.34		
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec		1.77		1.68		1.47		1.43		1.55		
PO-1A-1Total	Appt. Sched, GUI Aggregate, Avg Sec		2.33		2.28		1.91		1.73		1.89		
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec		0.5		0.52		0.41		0.37		0.44		
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec		6.75		6.87		7.25		7.49		7.71		
PO-1A-2Total	Service Avail, GUI Aggregate, Avg Sec		7.25		7.4		7.66		7.86		8.14		
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec		0.7		0.74		0.55		0.41		0.57		
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec		7.48		7.16		7.33		6.89		7		
PO-1A-3Total	Facility Check, GUI Aggregate, Avg Sec		8.18		7.9		7.88		7.3		7.57		
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec		1.31		1.32		1.09		0.81		0.83		
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec		5.1		4.75		4.37		3.82		3.89		
PO-1A-4Total	Address Validation, GUI Aggregate, Avg Sec		6.41		6.07		5.47		4.64		4.72		
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec		0.7		0.7		0.61		0.67		0.89		
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec		5.59		5.74		5.71		6.22		6.55		
PO-1A-5Total	Get CSR, GUI Aggregate, Avg Sec		6.28		6.44		6.32		6.89		7.44		

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec		0.79		0.82		0.61		0.29		0.33		
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec		4.5		4.45		4.83		5.05		4.78		
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec		0.66		0.62		0.66		0.72		0.72		
PO-1A-6Total	TN Reserv, GUI Aggregate, Avg Sec		5.94		5.9		6.11		6.06		5.83		
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec		1.05		1.1		0.94		0.74		0.78		
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec		5.75		6.82		6.74		6.88		6.94		
PO-1A-7Total	Loop Qual Tools, GUI Aggregate, Avg Sec		6.8		7.92		7.68		7.62		7.72		
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec		0.91		0.92		0.72		0.8		0.47		
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec		5.63		6.14		8.14		6.94		7.4		
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggregate, Avg Sec		6.54		7.06		8.86		7.74		7.87		
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec		0.44		0.54		0.36		0.27		0.27		
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec		8.25		8.13		8.89		8.79		8.45		
PO-1A-9Total	Connecting Facility Assign, GUI Aggregate, Avg Sec		8.69		8.67		9.25		9.06		8.73		
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec		0.47		0.43		0.36		0.29		0.31		
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec		4.87		5.19		4.96		4.91		4.81		
PO-1A-10Total	Meet Point Inquiry, GUI Aggregate, Avg Sec		5.34		5.62		5.32		5.2		5.12		
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec		3.55		3.54		3.34		3.36		3.39		
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec		5.41		5.45		5.54		5.28		5.06		
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec		6.61		7.07		7.2		6.9		7.09		
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec		7.33		6.96		6.65		6.37		6.5		
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec		2.88		2.69		2.57		2.54		2.56		
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec		2.66		3.1		3.05		3.14		3.25		
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec		5.18		5.21		5.41		5.46		5.24		
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec		7.24		7.28		7.09		6.84		7.12		
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec		5.74		6.88		6.51		5.79		6.96		
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec		8.03		8.48		8.51		8.4		8.1		
PO-1C-1	Timeout, GUI Total, %		0.04%		0.34%		0.48%		0.26%		0.28%		
PO-1C-2	Timeout, EDI Total, %		0.24%		0.14%		0.05%		0.01%		0.07%		
PO-1D-1	Rejected Query, GUI Total, Avg Sec		1.34		1.36		1.33		1.32		1.31		
PO-1D-2	Rejected Query, EDI Total, Avg Sec		1.84		1.94		1.88		1.87		1.78		
PO-2	**Electronic Flow-through**												
PO-2A-1	GUI, LNP, %		41.68%		48.42%		45.08%		48.51%		50.80%		

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-2A-1	GUI, Resale Aggregate W/O UNE-P-POTS, %		76.95%		78.40%		70.66%		69.62%		71.43%		
PO-2A-1	GUI, UBL Aggregate, %		50.18%		53.60%		47.19%		44.27%		48.41%		
PO-2A-1	GUI, UNE-P, POTS, %		64.80%		64.89%		66.88%		68.77%		66.77%		
PO-2A-2	EDI, LNP, %		58.90%		66.94%		58.50%		66.57%		62.87%		
PO-2A-2	EDI, Resale Aggregate W/O UNE-P-POTS, %		77.39%		72.28%		72.23%		68.86%		75.03%		
PO-2A-2	EDI, UBL Aggregate, %		54.92%		57.05%		42.24%		33.68%		57.42%		
PO-2A-2	EDI, UNE-P, POTS, %		66.45%		76.73%		75.96%		87.62%		85.90%		
PO-2B-1	All Eligible LSRs, GUI, LNP, %		94.74%		97.44%		95.73%		97.53%		96.67%		
PO-2B-1	All Eligible LSRs, GUI, Resale Aggregate W/O UNE-P-POTS, %		96.76%		97.13%		93.63%		95.54%		93.58%		
PO-2B-1	All Eligible LSRs, GUI, UBL Aggregate, %		92.27%		93.06%		91.49%		90.05%		91.12%		
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %		89.73%		88.47%		86.79%		89.04%		85.50%		
PO-2B-2	All Eligible LSRs, EDI, LNP, %		96.06%		97.25%		97.00%		97.91%		98.14%		
PO-2B-2	All Eligible LSRs, EDI, Resale Aggregate W/O UNE-P-POTS, %		97.12%		97.45%		97.94%		98.44%		99.28%		
PO-2B-2	All Eligible LSRs, EDI, UBL Aggregate, %		93.32%		91.78%		89.33%		91.15%		93.11%		
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %		92.84%		94.02%		90.13%		98.26%		98.62%		
PO-3	**LSR Rejection Notice Interval**												
PO-3A-1	GUI - Rejected Manually, Product Aggregate, Hrs:Min		6:49		3:11		4:31		3:39		3:46		
PO-3A-2	GUI - Auto-Rejected, Product Aggregate, Min:Sec		0:03		0:03		0:03		0:03		0:07		
PO-3B-1	EDI - Rejected Manually, Product Aggregate, Hrs:Min		3:15		2:44		4:05		2:54		3:29		
PO-3B-2	EDI - Auto-Rejected, Product Aggregate, Min:Sec		0:05		0:05		0:03		0:03		0:01		
PO-3C	Manual and IIS, Product Aggregate, Hrs:Min		24:10		10:07		8:56		5:06		3:02		
PO-4	**LSRs Rejected**												
PO-4A-1	GUI - Rejected Manually, Product Aggregate, %		2.20%		2.59%		2.67%		2.82%		3.19%		
PO-4A-2	GUI - Auto-Rejected, Product Aggregate, %		31.56%		28.58%		32.61%		31.18%		31.23%		
PO-4B-1	EDI - Rejected Manually, Product Aggregate, %		4.67%		4.98%		3.81%		4.01%		3.27%		
PO-4B-2	EDI - Auto-Rejected, Product Aggregate, %		20.79%		22.15%		27.14%		26.33%		48.51%		
PO-4C	Facsimile , Product Aggregate, %		17.86%		25.62%		19.26%		33.24%		32.31%		
PO-5	**Firm Order Confirmations (FOCs) On Time**												
PO-5A-1(a)	Fully Elec LSRs Rec'd Via GUI, Resale Aggregate, %		99.97%		99.33%		99.86%		100%		99.93%		
PO-5A-1(b)	Fully Elec LSRs Rec'd Via GUI, UBL Aggregate, %		100%		99.55%		100%		100%		100%		
PO-5A-1(c)	Fully Elec LSRs Rec'd Via GUI, LNP, %		99.63%		98.17%		100%		99.76%		100%		
PO-5A-2(a)	Fully Elec LSRs Rec'd Via EDI, Resale Aggregate, %		100%		96.71%		99.77%		100%		99.96%		

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-5A-2(b)	Fully Elec LSRs Rec'd Via EDI, UBL Aggregate, %		99.74%		99.68%		99.91%		99.93%		99.95%		
PO-5A-2(c)	Fully Elec LSRs Rec'd Via EDI, LNP, %		100%		99.50%		100%		99.91%		100%		
PO-5B-1(a)	Elec/Manual LSRs Rec'd Via GUI, Resale Aggregate, %		97.68%		97.26%		97.00%		95.00%		97.50%		
PO-5B-1(b)	Elec/Manual LSRs Rec'd Via GUI, UBL Aggregate, %		98.61%		95.72%		99.05%		97.25%		97.35%		
PO-5B-1(c)	Elec/Manual LSRs Rec'd Via GUI, LNP, %		100%		99.90%		99.72%		99.77%		99.63%		
PO-5B-2(a)	Elec/Manual LSRs Rec'd Via EDI, Resale Aggregate, %		99.84%		99.88%		99.93%		99.52%		99.62%		
PO-5B-2(b)	Elec/Manual LSRs Rec'd Via EDI, UBL Aggregate, %		98.58%		98.56%		99.16%		99.16%		99.06%		
PO-5B-2(c)	Elec/Manual LSRs Rec'd Via EDI, LNP, %		99.96%		99.95%		99.94%		99.85%		99.84%		
PO-5C-(a)	Manual, Resale Aggregate, %		98.68%		98.44%		99.90%		100%		99.92%		
PO-5C-(b)	Manual, UBL Aggregate, %		100%		100%		100%		100%		100%		
PO-5C-(c)	Manual, LNP, %		98.51%		98.83%		100%		99.47%		100%		
PO-5D	LIS Trunk, %		100%		98.04%		100%		100%		100%		
PO-6	**Work Completion Notification Timeliness**												
PO-6A	GUI, All, Hrs:Min		0:50		0:20		0:16		0:27		0:18		
PO-6B	EDI, All, Hrs:Min		1:16		0:36		0:15		0:17		0:20		
PO-7	**Billing Completion Notification Timeliness**												
PO-7A-C	GUI, All, %		99.54%	98.45%	99.10%	99.47%	99.77%	99.37%	99.67%	99.00%	99.62%	99.19%	
PO-7B-C	EDI, All, %			98.45%		99.47%		99.37%		99.00%		99.19%	a b c d e
PO-8	**Jeopardy Notice Interval**												
PO-8A	Non-Designed Services, Avg Days		1.73	5.68	2.89	5.88	3.5	5.98	1.71	6.65	3.38	6.72	b c d e
PO-8B	UBLs and LNP, Avg Days		4.54	5.68	4.65	5.88	5.21	5.98	5.27	6.65	6.33	6.72	
PO-8C	LIS Trunk, Avg Days		18			17	14.5						a b c d e
PO-8D	UNE-P, POTS, Avg Days		0.5	5.68	3.83	5.88	4.5	5.98	7.46	6.65	6	6.72	a b c e
PO-9	**Timely Jeopardy Notices**												
PO-9A	Non-Designed Services, %		9.09%	19.61%	25.00%	21.58%	33.33%	20.35%	0%	23.05%	16.67%	14.40%	b c d e
PO-9B	UBLs and LNP, %		18.18%	19.61%	36.36%	21.58%	24.24%	20.35%	26.42%	23.05%	21.74%	14.40%	
PO-9C	LIS Trunk, %		0%	0%	0%	0%	50.00%	0%	0%	0%		0%	a b c d e
PO-9D	UNE-P, POTS, %		8.33%	19.61%	28.57%	21.58%	10.00%	20.35%	14.29%	23.05%	12.50%	14.40%	b c d e
PO-10	**LSR Accountability**												
PO-10	Product Aggregate, %		100%		99.99%		100%		100%		100%		
PO-15	**Number of Due Date Changes per Order**												
PO-15	All, Avg Days		0.12	0.03	0.08	0.04	0.07	0.04	0.07	0.03	0.08	0.03	
PO-16	**Timely Release Notifications**												
PO-16	All, %		100%		100%				100%		100%		a b c d e

COLORADO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**												
PO-19	All, %		98.89%		99.11%		97.61%		98.28%		100%		
PO-19A	Rel. 10.0, %		98.45%		99.48%		97.42%		98.46%		100%		
PO-19A	Rel. 11.0, %				100%		98.17%		97.25%		100%		a
PO-19A	Rel. 8.0, %		98.94%										b c d e
PO-19A	Rel. 9.0, %		98.94%		100%		95.77%						d e
PO-19A	Rel. VICKI, %		100%		92.31%		100%		100%		100%		
PO-19B	All, %						97.06%						a b d e
PO-20	**Manual Service Order Accuracy**												
PO-20	Resale POTS and UNE-P, POTS, %		96.88%		97.22%		95.20%		94.40%		93.98%		
PO-20	UBLs, Analog & NL 2-wire, %		94.42%		97.50%		96.47%		97.38%		96.36%		

Metric Number:

* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting

D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:

a = Sample size less than or equal to 10 in September 2002
b = Sample size less than or equal to 10 in October 2002
c = Sample size less than or equal to 10 in November 2002
d = Sample size less than or equal to 10 in December 2002
e = Sample size less than or equal to 10 in January 2003

Appendix C

New Mexico Performance Metrics

The data in this appendix are taken from a letter from C. Jeffrey Tibbels, Attorney, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed February 28, 2003) (Qwest February 28A Ex Parte Letter) Attach. 1 (Statewide Average Performance Summary, CO, NM, OR, SD, Aug 02-Jan 03). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Center
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
BILLING													
BI-1	**Time to Provide Recorded Usage Records**												
BI-1A	UNEs and Resale Aggregate, Avg Days		1.79	3.53	1.41	3.27	1.27	3.1	1.28	2.85	1.21	3.38	
BI-1B	Jointly-provided Switched Access, %		100%		99.98%		100%		97.88%		100%		
BI-1C-1	[CAT11], UNEs and Resale Aggregate, Avg Days		1.8	3.53	1.41	3.27	1.28	3.1	1.28	2.85	1.21	3.38	
BI-1C-2	[CAT10], UNEs and Resale Aggregate, Avg Days		1.37	3.53	1.35	3.27	1.14	3.1	1.13	2.85	1.17	3.38	
BI-2	**Invoices Delivered within 10 Days**												
BI-2	within 10 Days, All, %		100%		100%		100%		100%		100%		
BI-3	**Billing Accuracy - Adjustments for Errors**												
BI-3A	UNEs and Resale Aggregate, %		99.97%	99.48%	99.92%	99.52%	99.78%	99.47%	96.89%	99.55%	97.24%	99.55%	
BI-3B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-4	**Billing Completeness**												
BI-4A	UNEs and Resale Aggregate, %		97.65%	99.29%	96.39%	99.24%	97.58%	99.16%	99.00%	99.15%	99.24%	99.13%	
BI-4B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-5	**Billing Accuracy & Claims Processing**												
BI-5A	Acknowledgment, All, %		99.70%		99.64%		99.60%		100%		99.36%		
BI-5B	Resolution, All, %		100%		100%		100%		100%		98.54%		
COLLOCATION													
CP-1	**Collocation Completion Interval when Scheduled Interval is…**												
CP-1A	90 Calendar Days or Less, All, Avg Days												a b c d e
CP-1B	91 to 120 Calendar Days, All, Avg Days				76				91		63		a b c d e
CP-2	**Collocations Completed within Scheduled Intervals**												
CP-2B	Non-Forcasted & Late Forecasted , All, %				100%				100%		100%		a b c d e
CP-2C	with Intervs Longer than 120 Days, All, %								100%		100%		a b c d e
CP-3	**Collocation Feasibility Study Interval**												
CP-3	All, Avg Days		10		7.67		3.75		7		9		a b c d e
CP-4	**Collocation Feasibility Study Commitments Met**												
CP-4	All, %		100%		100%		100%		100%		100%		a b c d e
DIRECTORY ASSISTANCE													
DA-1	**Speed of Answer - Directory Assistance**												
DA-1	Avg Sec			8.68		8.66		8.45		8.01		8.24	a b c d e
DATABASE UPDATES													
DB-1	**Time to Update Databases**												

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
DB-1A	E911, Hrs:Min		1:00		2:32		0:55		1:20		1:19		
DB-1B	LIDB, Avg Sec		1.27		1.75		1.46		1.47		1.42		
DB-1C-1	Directory Listing, Avg Sec		0.11		0.16		0.15		0.16		0.19		
DB-2	**Accurate Database Updates**												
DB-2C-1	Directory Listing, %		95.89%		98.84%		98.93%		99.20%		99.26%		
ELECTRONIC GATEWAY AVAILABILITY													
GA-1	**Gateway Availability - IMA-GUI**												
GA-1A	All, %		100%		99.33%		99.44%		99.67%		96.69%		
GA-1B	Fetch-n-Stuff, %		100%		100%		100%		100%				e
GA-1C	Data Arbiter, %		100%		100%		100%		100%				e
GA-1D	SIA, %		99.95%		100%		100%		100%		100%		
GA-2	**Gateway Availability - IMA-EDI**												
GA-2	All, %		99.80%		99.56%		99.39%		99.69%		96.69%		
GA-3	**Gateway Availability - EB-TA**												
GA-3	All, %		99.94%		100%		100%		100%		99.86%		
GA-4	**System Availability - EXACT**												
GA-4	All, %		100%		100%		100%		100%		100%		
GA-6	**Gateway Availability - GUI - Repair**												
GA-6	All, %		100%		100%		100%		100%		97.82%		
GA-7	**Timely Outage Resolution Following Software Releases**												
GA-7	All, %												a b c d e
MAINTENANCE AND REPAIR													
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**												
MR-2	All, %		85.75%	86.24%	92.98%	92.32%	92.43%	90.44%	89.25%	87.11%	88.46%	83.51%	
MR-3	**Out of Service Cleared within 24 Hours**												
MR-3	Basic Rate ISDN, %	ND		100%		100%		100%		100%		100%	a b c d e
MR-3	Basic Rate ISDN, %	D		100%		100%		100%		100%		100%	a b c d e
MR-3	Business, %	ND		87.58%		93.30%		98.51%		95.73%		95.24%	a b c d e
MR-3	Business, %	D	100%	73.69%	100%	83.76%		86.33%		84.32%		90.18%	a b c d e
MR-3	Centrex 21, %	ND		94.87%		93.75%		96.30%		100%		96.77%	a b c d e
MR-3	Centrex 21, %	D		77.39%		89.87%		84.62%		82.07%		88.55%	a b c d e
MR-3	Centrex, %	ND		100%		100%		66.67%		100%		100%	a b c d e
MR-3	Centrex, %	D		83.33%		92.31%		91.67%		85.71%		96.00%	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-3	Line Sharing, %	D	100%	70.45%	66.67%	80.60%	66.67%	85.40%	50.00%	81.91%	33.33%	90.98%	a c d e
MR-3	Line Sharing, %	ND	80.00%	85.52%	90.91%	94.16%	100%	97.75%	91.67%	95.12%	83.33%	95.05%	a c e
MR-3	PBX, %	ND	100%	100%	100%	100%	100%	88.89%	100%	100%		100%	a b c d e
MR-3	PBX, %	D	100%	87.80%		86.11%	100%	91.30%		82.76%		77.27%	a b c d e
MR-3	Qwest DSL, %			90.48%		93.10%		98.00%		92.59%		96.23%	a b c d e
MR-3	Residence, %	ND	100%	85.26%	100%	94.29%	100%	97.61%	100%	95.03%		95.02%	a b c d e
MR-3	Residence, %	D	100%	70.00%	93.33%	80.18%	85.71%	85.28%	86.67%	81.58%	100%	91.08%	e
MR-3	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	b c d
MR-3	UBL - ADSL Qualified, %			90.48%		93.10%		98.00%		92.59%		96.23%	a b c d e
MR-3	UBL - Analog, %		100%	72.25%	100%	82.49%	100%	86.73%	100%	83.39%	100%	91.42%	
MR-3	UBL - ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a c d e
MR-3	UNE-P, POTS, %	ND	87.50%	85.52%	100%	94.16%	100%	97.75%	100%	95.12%	100%	95.05%	a c d e
MR-3	UNE-P, POTS, %	D	82.50%	70.45%	89.29%	80.60%	87.50%	85.40%	73.08%	81.91%	94.12%	90.98%	
MR-3	UNE-P, Centrex, %	ND		100%		100%		66.67%		100%		100%	a b c d e
MR-3	UNE-P, Centrex, %	D		83.33%		92.31%		91.67%		85.71%		96.00%	a b c d e
MR-3	UNE-P, Centrex 21, %	ND		94.87%		93.75%		96.30%		100%		96.77%	a b c d e
MR-3	UNE-P, Centrex 21, %	D		77.39%		89.87%		84.62%		82.07%		88.55%	a b c d e
MR-4	**All Troubles Cleared within 48 Hours**												
MR-4	Basic Rate ISDN, %	ND		100%		100%		100%		100%		100%	a b c d e
MR-4	Basic Rate ISDN, %	D		100%		100%		100%		100%		100%	a b c d e
MR-4	Business, %	ND	100%	97.55%	100%	99.48%	100%	99.61%		99.58%	100%	100%	a b c d e
MR-4	Business, %	D	100%	92.29%	100%	94.96%	100%	96.41%		96.58%		98.26%	a b c d e
MR-4	Centrex 21, %	ND		100%		98.77%		98.21%		100%		100%	a b c d e
MR-4	Centrex 21, %	D		93.03%		97.60%		97.97%		94.51%		98.78%	a b c d e
MR-4	Centrex, %	ND		100%		100%		100%		100%		100%	a b c d e
MR-4	Centrex, %	D		92.86%		96.55%		92.31%		95.65%		100%	a b c d e
MR-4	Line Sharing, %	D	100%	90.44%	83.33%	94.15%	66.67%	97.11%	83.33%	96.20%	66.67%	98.27%	a c d e
MR-4	Line Sharing, %	ND	100%	96.99%	100%	98.93%	100%	99.54%	100%	98.90%	83.33%	99.37%	a c e
MR-4	PBX, %	ND	100%	100%	100%	100%	100%	94.74%	100%	100%		100%	a b c d e
MR-4	PBX, %	D	100%	95.83%		97.67%	100%	96.55%		93.55%	100%	96.55%	a b c d e
MR-4	Qwest DSL, %			93.65%		94.83%		98.00%		96.30%		98.15%	a b c d e
MR-4	Residence, %	ND	100%	96.92%	100%	98.84%	100%	99.53%	100%	98.78%		99.22%	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-4	Residence, %	D	100%	90.19%	100%	94.04%	100%	97.19%	100%	96.15%	100%	98.27%	e
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	b c d
MR-4	UBL - ADSL Qualified, %			93.65%		94.83%		98.00%		96.30%		98.15%	a b c d e
MR-4	UBL - Analog, %		100%	91.54%	100%	95.03%	100%	97.50%	100%	96.62%	100%	98.46%	
MR-4	UBL - ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a c d e
MR-4	UNE-P, POTS, %	ND	100%	96.99%	100%	98.93%	100%	99.54%	100%	98.90%	100%	99.37%	
MR-4	UNE-P, POTS, %	D	100%	90.44%	93.94%	94.15%	94.74%	97.11%	90.63%	96.20%	96.15%	98.27%	
MR-4	UNE-P, Centrex, %	ND		100%		100%		100%		100%		100%	a b c d e
MR-4	UNE-P, Centrex, %	D		92.86%		96.55%		92.31%		95.65%		100%	a b c d e
MR-4	UNE-P, Centrex 21, %	ND		100%		98.77%		98.21%		100%		100%	a b c d e
MR-4	UNE-P, Centrex 21, %	D		93.03%		97.60%		97.97%		94.51%		98.78%	a b c d e
MR-5	**All Troubles Cleared within 4 Hours**												
MR-5	DS0, %			85.90%	100%	91.90%		94.81%		82.11%		89.66%	a b c d e
MR-5	DS1, %		50.00%	76.38%	100%	87.03%	80.00%	82.28%	100%	82.96%	100%	91.14%	a b c d e
MR-5	DS3, %			100%		100%		88.89%		100%		100%	a b c d e
MR-5	E911, %			100%								100%	a b c d e
MR-5	Frame Relay, %			84.04%		87.06%		80.70%		90.16%		88.24%	a b c d e
MR-5	ISDN Primary, %			94.74%		91.67%		100%		100%		100%	a b c d e
MR-5	LIS Trunk, %		100%	100%	100%	85.71%	100%	100%	100%	100%	100%	100%	a b c d e
MR-5	UBL - 4-wire, %			76.38%		87.03%		82.28%		82.96%		91.14%	a b c d e
MR-5	UBL - DS1 Capable, %			76.38%	33.33%	87.03%	100%	82.28%	100%	82.96%	0%	91.14%	a b c d e
MR-5	UBL - DS3 Capable, %			100%		100%		88.89%		100%		100%	a b c d e
MR-5	UDIT Above DS1 Level, %		100%	100%	100%	100%		88.89%		100%		100%	a b c d e
MR-5	UDIT DS1, %			76.38%	100%	87.03%		82.28%	100%	82.96%		91.14%	a b c d e
MR-6	**Mean Time to Restore**												
MR-6	Basic Rate ISDN, Hrs:Min	ND		0:59		0:50		0:22		0:52		0:29	a b c d e
MR-6	Basic Rate ISDN, Hrs:Min	D		2:48		3:46		3:18		2:59		2:50	a b c d e
MR-6	Business, Hrs:Min	ND	2:44	7:46	1:06	4:28	0:01	3:59		4:05	0:03	4:47	a b c d e
MR-6	Business, Hrs:Min	D	8:00	19:34	12:35	15:45	3:18	17:01		15:24		12:25	a b c d e
MR-6	Centrex 21, Hrs:Min	ND		5:32		7:14		6:43		4:20		3:45	a b c d e
MR-6	Centrex 21, Hrs:Min	D		18:37		13:28		15:16		16:50		11:42	a b c d e
MR-6	Centrex, Hrs:Min	ND		4:28		1:51		8:46		5:36		3:04	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-6	Centrex, Hrs:Min	D		18:21		13:33		15:47		17:28		8:14	a b c d e
MR-6	DS0, Hrs:Min			2:06	1:01	2:09		1:31		2:34		1:52	a b c d e
MR-6	DS1, Hrs:Min		5:12	3:15	1:08	2:10	1:58	2:40	2:28	2:45	1:45	2:02	a b c d e
MR-6	DS3, Hrs:Min			0:44		1:04		5:18		0:28		0:51	a b c d e
MR-6	E911, Hrs:Min			0:58								2:12	a b c d e
MR-6	Frame Relay, Hrs:Min			2:16		2:00		2:56		1:49		2:52	a b c d e
MR-6	ISDN Primary, Hrs:Min			0:45		1:46		0:39		0:56		0:39	a b c d e
MR-6	Line Sharing, Hrs:Min	D	8:45	22:17	20:20	18:04	5:38	16:01	0:13	17:12	20:53	14:04	a c d e
MR-6	Line Sharing, Hrs:Min	ND	12:59	11:06	6:27	7:26	5:03	5:31	8:47	6:23	3:05	6:17	a c e
MR-6	LIS Trunk, Hrs:Min		1:04	1:12	0:41	2:30	1:34	1:24	1:30	0:55	0:57	1:46	a b c d e
MR-6	PBX, Hrs:Min	ND	0:19	1:34	0:19	2:59	0:10	4:37	0:56	1:47		1:01	a b c d e
MR-6	PBX, Hrs:Min	D	0:51	12:41		11:21	7:41	14:00		12:17	1:23	14:26	a b c d e
MR-6	Qwest DSL, Hrs:Min			12:00		8:46		7:13		6:58		4:58	a b c d e
MR-6	Residence, Hrs:Min	ND	0:37	11:34	0:51	7:57	0:30	5:47	0:31	6:46		6:37	a b c d e
MR-6	Residence, Hrs:Min	D	9:52	22:39	11:58	18:22	13:48	15:54	11:31	17:25	7:28	14:16	e
MR-6	UBL - 2-wire, Hrs:Min		3:11	1:54	1:12	1:50	1:32	1:13	1:44	1:57	2:11	1:29	b c d
MR-6	UBL - 4-wire, Hrs:Min			3:15		2:10		2:40		2:45		2:02	a b c d e
MR-6	UBL - ADSL Qualified, Hrs:Min			12:00		8:46		7:13		6:58		4:58	a b c d e
MR-6	UBL - DS1 Capable, Hrs:Min			3:15	4:24	2:10	1:21	2:40	2:07	2:45	4:29	2:02	a b c d e
MR-6	UBL - DS3 Capable, Hrs:Min			0:44		1:04		5:18		0:28		0:51	a b c d e
MR-6	UBL Analog, Hrs:Min		2:50	20:25	1:45	16:06	2:35	14:20	2:29	15:32	1:34	12:44	
MR-6	UBL ISDN Capable, Hrs:Min		1:54	1:54	2:11	1:50	4:47	1:13	1:02	1:57	1:45	1:29	a c d e
MR-6	UDIT Above DS1 Level, Hrs:Min		2:09	0:44	1:50	1:04		5:18		0:28		0:51	a b c d e
MR-6	UDIT DS1, Hrs:Min			3:15	1:37	2:10		2:40	1:53	2:45		2:02	a b c d e
MR-6	UNE-P, POTS, Hrs:Min	ND	5:09	11:06	2:44	7:26	2:26	5:31	3:19	6:23	4:37	6:17	
MR-6	UNE-P, POTS, Hrs:Min	D	16:42	22:17	17:08	18:04	15:50	16:01	19:31	17:12	16:02	14:04	
MR-6	UNE-P, Centrex, Hrs:Min	ND		4:28		1:51		8:46		5:36		3:04	a b c d e
MR-6	UNE-P, Centrex, Hrs:Min	D		18:21		13:33		15:47		17:28		8:14	a b c d e
MR-6	UNE-P, Centrex 21, Hrs:Min	ND		5:32		7:14		6:43		4:20		3:45	a b c d e
MR-6	UNE-P, Centrex 21, Hrs:Min	D		18:37		13:28		15:16		16:50		11:42	a b c d e
MR-7	**Repair Repeat Report Rate**												
MR-7	Basic Rate ISDN, %	ND		16.22%		16.67%		19.61%		20.00%		9.38%	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7	Basic Rate ISDN, %	D		31.58%		16.00%		23.81%		6.45%		8.33%	a b c d e
MR-7	Business, %	ND	0%	12.88%	0%	14.18%	100%	10.51%		11.81%	0%	10.65%	a b c d e
MR-7	Business, %	D	0%	14.22%	0%	13.54%	0%	13.25%		14.20%		11.81%	a b c d e
MR-7	Centrex 21, %	ND		15.94%		8.64%		17.86%		13.73%		18.18%	a b c d e
MR-7	Centrex 21, %	D		11.34%		17.06%		13.16%		11.18%		10.65%	a b c d e
MR-7	Centrex, %	ND		12.50%		0%		0%		0%		0%	a b c d e
MR-7	Centrex, %	D		11.90%		6.90%		14.81%		29.17%		3.33%	a b c d e
MR-7	DS0, %			24.23%	33.33%	24.76%		23.38%		13.82%		14.66%	a b c d e
MR-7	DS1, %		0%	31.90%	33.33%	28.24%	60.00%	16.03%	50.00%	16.30%	0%	12.24%	a b c d e
MR-7	DS3, %			22.22%		12.50%		0%		25.00%		0%	a b c d e
MR-7	E911, %			0%								0%	a b c d e
MR-7	Frame Relay, %			24.47%		25.88%		15.79%		14.75%		10.29%	a b c d e
MR-7	ISDN Primary, %			36.84%		12.50%		0%		14.29%		7.69%	a b c d e
MR-7	Line Sharing, %	ND	20.00%	30.00%	36.36%	43.24%	42.86%	26.47%	48.00%	18.18%	14.29%	9.76%	a c e
MR-7	Line Sharing, %	D	0%	39.13%	46.15%	38.10%	0%	18.75%	33.33%	20.00%	25.00%	0%	a c d e
MR-7	LIS Trunk, %		14.29%	20.00%	50.00%	0%	0%	0%	0%	0%	0%	0%	a b c d e
MR-7	PBX, %	ND	0%	9.72%	100%	15.00%	0%	5.26%	100%	5.88%		14.71%	a b c d e
MR-7	PBX, %	D	0%	12.50%		13.64%	0%	23.33%		16.13%	0%	17.24%	a b c d e
MR-7	Qwest DSL, %			33.33%		41.38%		24.00%		18.52%		7.41%	a b c d e
MR-7	Residence, %	ND	0%	14.00%	0%	10.50%	0%	12.96%	0%	12.12%		9.73%	a b c d e
MR-7	Residence, %	D	16.00%	16.62%	20.00%	14.24%	11.76%	14.24%	0%	13.92%	0%	11.87%	e
MR-7	UBL - 2-wire, %		20.00%	24.00%	16.67%	16.44%	0%	20.83%	0%	13.11%	0%	8.93%	b c d
MR-7	UBL - 4-wire, %			31.90%		28.24%		16.03%		16.30%		12.24%	a b c d e
MR-7	UBL - ADSL Qualified, %			33.33%		41.38%		24.00%		18.52%		7.41%	a b c d e
MR-7	UBL - DS1 Capable, %			31.90%	66.67%	28.24%	0%	16.03%	0%	16.30%	0%	12.24%	a b c d e
MR-7	UBL - DS3 Capable, %			22.22%		12.50%		0%		25.00%		0%	a b c d e
MR-7	UBL - Analog, %		0%	15.93%	4.00%	13.59%	4.00%	13.90%	4.17%	13.67%	8.33%	11.53%	
MR-7	UBL - ISDN Capable, %		0%	24.00%	30.00%	16.44%	12.50%	20.83%	25.00%	13.11%	0%	8.93%	a c d e
MR-7	UDIT Above DS1 Level, %		0%	22.22%	0%	12.50%		0%		25.00%		0%	a b c d e
MR-7	UDIT DS1, %			31.90%	33.33%	28.24%		16.03%	20.00%	16.30%		12.24%	a b c d e
MR-7	UNE-P, POTS, %	ND	10.00%	13.87%	12.90%	11.04%	18.42%	12.60%	22.22%	12.08%	4.76%	9.90%	
MR-7	UNE-P, POTS, %	D	13.04%	16.33%	20.00%	14.16%	12.50%	14.14%	20.59%	13.95%	14.29%	11.86%	

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7	UNE-P, Centrex, %	ND		12.50%		0%		0%		0%		0%	a b c d e
MR-7	UNE-P, Centrex, %	D		11.90%		6.90%		14.81%		29.17%		3.33%	a b c d e
MR-7	UNE-P, Centrex 21, %	ND		15.94%		8.64%		17.86%		13.73%		18.18%	a b c d e
MR-7	UNE-P, Centrex 21, %	D		11.34%		17.06%		13.16%		11.18%		10.65%	a b c d e
MR-7*	Basic Rate ISDN, %	ND		37.50%		6.25%		33.33%		0%			a b c d e
MR-7*	Basic Rate ISDN, %	D		30.56%		13.04%		13.33%		4.17%			a b c d e
MR-7*	Business, %	ND	0%	16.79%	0%	16.04%		9.40%		11.90%			a b c d e
MR-7*	Business, %	D	0%	13.97%	0%	13.00%		12.61%		14.43%			a b c d e
MR-7*	Centrex 21, %	ND		14.71%		10.64%		25.93%		20.00%			a b c d e
MR-7*	Centrex 21, %	D		11.62%		17.22%		13.33%		11.19%			a b c d e
MR-7*	Centrex, %	ND		0%		0%		0%		0%			a b c d e
MR-7*	Centrex, %	D		8.57%		8.33%		13.64%		28.57%			a b c d e
MR-7*	DS0, %			25.00%	0%	29.68%		27.93%		13.64%			a b c d e
MR-7*	DS1, %		0%	34.15%	0%	29.84%	0%	16.37%	100%	18.66%			a b c d e
MR-7*	DS3, %			0%		14.29%		0%		0%			a b c d e
MR-7*	E911, %			0%									a b c d e
MR-7*	Frame Relay, %			18.84%		26.98%		16.28%		18.75%			a b c d e
MR-7*	ISDN Primary, %			22.22%		0%		0%		20.00%			a b c d e
MR-7*	Line Sharing, %	ND	20.00%	42.11%	57.14%	56.25%	100%	45.00%	40.00%	18.18%			a b c d e
MR-7*	Line Sharing, %	D	0%	27.27%	50.00%	35.71%	0%	22.22%	50.00%	0%			a b c d e
MR-7*	LIS Trunk, %		14.29%	0%		0%	0%	0%		0%			a b c d e
MR-7*	PBX, %	ND		9.09%		18.18%		11.11%		7.14%			a b c d e
MR-7*	PBX, %	D	0%	12.20%		6.25%		22.22%		16.67%			a b c d e
MR-7*	Qwest DSL, %			36.67%		46.67%		37.93%		15.38%			a b c d e
MR-7*	Residence, %	ND	0%	15.16%	0%	11.51%	0%	13.37%	0%	14.94%			a b c d e
MR-7*	Residence, %	D	19.05%	16.35%	15.38%	13.85%	6.67%	13.98%	0%	13.92%			e
MR-7*	UBL - 2-wire, %		26.32%	31.82%	25.00%	10.26%	0%	22.22%	0%	3.23%			b c d e
MR-7*	UBL - 4-wire, %			34.15%		29.84%		16.37%		18.66%			a b c d e
MR-7*	UBL - ADSL Qualified, %			36.67%		46.67%		37.93%		15.38%			a b c d e
MR-7*	UBL - DS1 Capable, %			34.15%	66.67%	29.84%	0%	16.37%	0%	18.66%			a b c d e
MR-7*	UBL - DS3 Capable, %			0%		14.29%		0%		0%			a b c d e
MR-7*	UBL - Analog, %		0%	16.03%	6.25%	13.63%	5.26%	13.75%	0%	14.01%			e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7*	UBL - ISDN Capable, %		0%	31.82%	26.32%	10.26%	14.29%	22.22%	33.33%	3.23%			a c d e
MR-7*	UDIT Above DS1 Level, %		0%	0%	0%	14.29%		0%		0%			a b c d e
MR-7*	UDIT DS1, %			34.15%	33.33%	29.84%		16.37%	25.00%	18.66%			a b c d e
MR-7*	UNE-P, POTS, %	ND	9.09%	15.38%	12.50%	12.30%	5.26%	12.71%	17.65%	14.37%			e
MR-7*	UNE-P, POTS, %	D	13.64%	16.08%	18.52%	13.76%	15.63%	13.84%	17.24%	13.98%			e
MR-7*	UNE-P, Centrex, %	ND		0%		0%		0%		0%			a b c d e
MR-7*	UNE-P, Centrex, %	D		8.57%		8.33%		13.64%		28.57%			a b c d e
MR-7*	UNE-P, Centrex 21, %	ND		14.71%		10.64%		25.93%		20.00%			a b c d e
MR-7*	UNE-P, Centrex 21, %	D		11.62%		17.22%		13.33%		11.19%			a b c d e
MR-8	**Trouble Rate**												
MR-8	Basic Rate ISDN, %		0%	1.31%	0%	1.26%	0%	1.24%	0%	1.04%	0%	0.96%	a b c d e
MR-8	Business, %		0.88%	1.30%	0.82%	1.16%	0.57%	0.82%	0%	0.87%	0.29%	0.81%	
MR-8	Centrex 21, %		0%	0.90%	0%	0.95%	0%	0.60%	0%	0.63%	0%	0.68%	
MR-8	Centrex, %			0.68%		0.51%		0.39%		0.36%		0.48%	a b c d e
MR-8	DS0, %		0%	0.71%	1.08%	0.66%	0%	0.48%	0%	0.39%	0%	0.36%	
MR-8	DS1, %		4.55%	2.41%	6.38%	2.54%	10.64%	1.72%	4.17%	1.95%	2.17%	1.71%	
MR-8	DS3, %			1.15%		1.01%		1.14%		0.50%		1.25%	a b c d e
MR-8	E911, %		0%	0.30%	0%	0%	0%	0%	0%	0%	0%	0.30%	
MR-8	Frame Relay, %			2.72%		2.46%		1.65%		1.76%		1.98%	a b c d e
MR-8	ISDN Primary, %		0%	0.04%	0%	0.06%	0%	0.03%	0%	0.03%	0%	0.03%	
MR-8	Line Sharing, %		0.98%	2.20%	1.83%	1.96%	0.72%	1.51%	2.11%	1.47%	0.71%	1.29%	
MR-8	LIS Trunk, %		0.03%	0.01%	0.01%	0.02%	0.01%	0.01%	0%	0.02%	0.02%	0.01%	
MR-8	PBX, %		0.44%	0.43%	0.20%	0.31%	0.40%	0.18%	0.19%	0.24%	0.20%	0.23%	
MR-8	Qwest DSL, %			2.07%		1.96%		1.74%		0.96%		1.98%	a b c d e
MR-8	Residence, %		2.90%	2.43%	1.70%	2.16%	1.68%	1.68%	1.65%	1.62%	0.95%	1.41%	
MR-8	UBL - 2-wire, %		1.59%	1.31%	0.38%	1.26%	0.45%	1.24%	0.64%	1.04%	0.76%	0.96%	
MR-8	UBL - 4-wire, %			2.41%		2.54%		1.72%		1.95%		1.71%	a b c d e
MR-8	UBL - ADSL Qualified, %			2.07%		1.96%		1.74%		0.96%		1.98%	a b c d e
MR-8	UBL - DS1 Capable, %		0%	2.41%	6.98%	2.54%	2.27%	1.72%	5.77%	1.95%	1.69%	1.71%	
MR-8	UBL - DS3 Capable, %			1.15%		1.01%		1.14%		0.50%		1.25%	a b c d e
MR-8	UBL - Analog, %		0.73%	2.20%	0.62%	1.96%	0.59%	1.51%	0.53%	1.47%	0.76%	1.29%	
MR-8	UBL - ISDN Capable, %		1.12%	1.31%	3.74%	1.26%	1.50%	1.24%	0.74%	1.04%	0.92%	0.96%	

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8	UDIT Above DS1 Level, %		6.25%	1.15%	12.50%	1.01%	0%	1.14%	0%	0.50%	0%	1.25%	
MR-8	UDIT DS1, %		0%	2.41%	5.00%	2.54%	0%	1.72%	7.94%	1.95%	0%	1.71%	
MR-8	UNE-P, POTS, %		1.30%	2.20%	1.34%	1.96%	1.48%	1.51%	1.19%	1.47%	0.95%	1.29%	
MR-8	UNE-P, Centrex, %			0.68%		0.51%		0.39%		0.36%		0.48%	a b c d e
MR-8	UNE-P, Centrex 21, %		0%	0.90%	0%	0.95%	0%	0.60%	0%	0.63%	0%	0.68%	
MR-8*	Basic Rate ISDN, %		0%	0.77%	0%	0.67%	0%	0.46%	0%	0.53%			a b c d e
MR-8*	Business, %		0.88%	1.02%	0.82%	0.87%	0%	0.63%	0%	0.68%			e
MR-8*	Centrex 21, %		0%	0.66%	0%	0.73%	0%	0.42%	0%	0.46%			e
MR-8*	Centrex, %			0.46%		0.38%		0.30%		0.28%			a b c d e
MR-8*	DS0, %		0%	0.54%	0.36%	0.49%	0%	0.35%	0%	0.28%			e
MR-8*	DS1, %		2.27%	1.82%	2.13%	1.81%	4.26%	1.24%	2.08%	1.51%			e
MR-8*	DS3, %			0.38%		0.89%		0.38%		0.25%			a b c d e
MR-8*	E911, %		0%	0.30%	0%	0%	0%	0%	0%	0%			e
MR-8*	Frame Relay, %			2.00%		1.83%		1.24%		1.39%			a b c d e
MR-8*	ISDN Primary, %		0%	0.02%	0%	0.02%	0%	0.01%	0%	0.01%			e
MR-8*	Line Sharing, %		0.73%	1.76%	1.29%	1.56%	0.14%	1.22%	0.61%	1.19%			e
MR-8*	LIS Trunk, %		0.03%	0.01%	0%	0.02%	0%	0.01%	0%	0.02%			e
MR-8*	PBX, %		0.22%	0.34%	0%	0.20%	0%	0.13%	0%	0.14%			e
MR-8*	Qwest DSL, %			0.99%		1.01%		1.01%		0.46%			a b c d e
MR-8*	Residence, %		2.49%	1.94%	1.40%	1.73%	1.50%	1.37%	1.56%	1.32%			e
MR-8*	UBL - 2-wire, %		1.21%	0.77%	0.26%	0.67%	0.32%	0.46%	0.45%	0.53%			e
MR-8*	UBL - 4-wire, %			1.82%		1.81%		1.24%		1.51%			a b c d e
MR-8*	UBL - ADSL Qualified, %			0.99%		1.01%		1.01%		0.46%			a b c d e
MR-8*	UBL - DS1 Capable, %		0%	1.82%	6.98%	1.81%	2.27%	1.24%	3.85%	1.51%			e
MR-8*	UBL - DS3 Capable, %			0.38%		0.89%		0.38%		0.25%			a b c d e
MR-8*	UBL - Analog, %		0.50%	1.76%	0.40%	1.56%	0.45%	1.22%	0.31%	1.19%			e
MR-8*	UBL - ISDN Capable, %		0.74%	0.77%	3.55%	0.67%	1.31%	0.46%	0.56%	0.53%			e
MR-8*	UDIT Above DS1 Level, %		6.25%	0.38%	12.50%	0.89%	0%	0.38%	0%	0.25%			e
MR-8*	UDIT DS1, %		0%	1.82%	5.00%	1.81%	0%	1.24%	6.35%	1.51%			e
MR-8*	UNE-P, POTS, %		1.08%	1.76%	1.04%	1.56%	0.97%	1.22%	0.90%	1.19%			e
MR-8*	UNE-P, Centrex, %			0.46%		0.38%		0.30%		0.28%			a b c d e
MR-8*	UNE-P, Centrex 21, %		0%	0.66%	0%	0.73%	0%	0.42%	0%	0.46%			e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-9	**Repair Appointments Met**												
MR-9	Basic Rate ISDN, %	ND						100%				100%	a b c d e
MR-9	Basic Rate ISDN, %	D											a b c d e
MR-9	Business, %	ND	100%	96.32%	100%	96.91%	100%	98.05%		97.47%	100%	95.53%	a b c d e
MR-9	Business, %	D	100%	85.28%	100%	87.13%	100%	87.78%		88.64%		90.29%	a b c d e
MR-9	Centrex 21, %	ND		98.55%		90.12%		89.29%		98.04%		98.48%	a b c d e
MR-9	Centrex 21, %	D		78.54%		80.56%		80.92%		81.18%		87.57%	a b c d e
MR-9	Centrex, %	ND		93.75%		100%		100%		66.67%		100%	a b c d e
MR-9	Centrex, %	D		70.73%		70.37%		73.08%		56.52%		90.00%	a b c d e
MR-9	PBX, %	ND		100%		100%		33.33%		100%		100%	a b c d e
MR-9	PBX, %	D		71.43%		66.67%	0%	66.67%		76.19%	100%	77.27%	a b c d e
MR-9	Residence, %	ND	100%	97.64%	100%	97.99%	100%	99.06%	100%	98.28%		98.44%	a b c d e
MR-9	Residence, %	D	100%	92.91%	100%	93.16%	100%	93.34%	100%	92.95%	100%	95.08%	e
MR-9	UNE-P, POTS, %	D	89.13%	92.01%	80.00%	92.48%	87.50%	92.77%	91.18%	92.46%	89.29%	94.53%	
MR-9	UNE-P, POTS, %	ND	95.00%	97.48%	100%	97.83%	97.37%	98.91%	96.30%	98.16%	100%	97.91%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**												
MR-10	Basic Rate ISDN, %			33.63%		43.41%		40.00%		33.70%		43.43%	a b c d e
MR-10	Business, %		25.00%	29.09%	25.00%	29.75%	33.33%	30.59%	100%	28.37%	66.67%	32.68%	a b c d e
MR-10	Centrex 21, %			34.17%		30.04%	100%	35.60%		33.03%		27.24%	a b c d e
MR-10	Centrex, %			15.94%		28.33%		10.81%		23.08%		25.00%	a b c d e
MR-10	DS0, %			31.00%	0%	29.77%		43.17%		30.90%		27.95%	a b c d e
MR-10	DS1, %		0%	23.11%	25.00%	26.48%	0%	33.24%	33.33%	23.51%	66.67%	28.61%	a b c d e
MR-10	DS3, %			30.77%		11.11%		40.00%		42.86%		33.33%	a b c d e
MR-10	E911, %			0%						100%		0%	a b c d e
MR-10	Frame Relay, %			24.80%		30.89%		25.00%		22.78%		22.73%	a b c d e
MR-10	ISDN Primary, %			24.00%		38.46%		31.82%		17.65%		43.48%	a b c d e
MR-10	LIS Trunk, %		0%	37.50%	50.00%	30.00%	0%	33.33%	75.00%	18.18%	14.29%	33.33%	a b c d e
MR-10	PBX, %		0%	23.08%	0%	34.38%	33.33%	33.78%	0%	32.99%	0%	32.26%	a b c d e
MR-10	Qwest DSL, %			41.12%		47.75%		50.98%		67.86%		65.38%	a b c d e
MR-10	Residence, %		22.22%	30.24%	26.09%	31.28%	35.71%	30.19%	25.00%	31.69%	33.33%	29.60%	
MR-10	UBL - 2-wire, %		19.35%	33.63%	40.00%	43.41%	0%	40.00%	0%	33.70%	25.00%	43.43%	b c d
MR-10	UBL - 4-wire, %			23.11%		26.48%		33.24%		23.51%		28.61%	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-10	UBL - ADSL Qualified, %			41.12%		47.75%		50.98%		67.86%		65.38%	a b c d e
MR-10	UBL - DS1 Capable, %			23.11%	0%	26.48%	0%	33.24%	25.00%	23.51%	0%	28.61%	a b c d e
MR-10	UBL - DS3 Capable, %			30.77%		11.11%		40.00%		42.86%		33.33%	a b c d e
MR-10	UBL - Analog, %		6.67%	30.10%	19.35%	31.10%	39.02%	30.24%	22.58%	31.31%	16.28%	30.00%	
MR-10	UBL - ISDN Capable, %		40.00%	33.63%	4.76%	43.41%	27.27%	40.00%	42.86%	33.70%	37.50%	43.43%	a d e
MR-10	UDIT Above DS1 Level, %		0%	30.77%	0%	11.11%		40.00%		42.86%		33.33%	a b c d e
MR-10	UDIT DS1, %			23.11%	0%	26.48%	100%	33.24%	0%	23.51%		28.61%	a b c d e
MR-10	UNE-P, POTS, %		21.43%	30.10%	14.29%	31.10%	21.21%	30.24%	28.24%	31.31%	33.78%	30.00%	
MR-10	UNE-P, Centrex, %			15.94%		28.33%		10.81%		23.08%		25.00%	a b c d e
MR-10	UNE-P, Centrex 21, %			34.17%		30.04%		35.60%		33.03%		27.24%	a b c d e
MR-11	**LNP Trouble Reports Cleared**												
MR-11A	within 4 Hrs, LNP, %			35.72%		43.99%		56.42%		54.76%		49.04%	a b c d e
MR-11B	within 48 Hrs Volumes 0-20, LNP, Days			0.97	1.00	0.99		1.00		0.99		0.99	a b c d e
NETWORK PERFORMANCE													
NI-1	**Trunk Blocking**												
NI-1A	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0.07%	0%	0%	0%	0.02%	0%	0%	0%	0%	0%	
NI-1B	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
NI-1C	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0.07%	0%	0%	0%	0.02%	0%	0%	0%	0%	0%	
NI-1D	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	2.30%	0%	0%	0%	0%	0%	0%	0%	
NP-1	**NXX Code Activation**												
NP-1A	All, %												a b c d e
NP-1B	Facility Delays, All, %												a b c d e
ORDER ACCURACY													
OA-1	All, %		99.86%		99.62%		99.88%		99.16%		99.66%		
ORDERING AND PROVISIONING													
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**												
OP-2	All, %		97.82%	82.25%	97.62%	86.07%	98.19%	77.80%	98.92%	84.04%	98.17%	75.49%	
OP-3	**Installation Commitments Met**												
OP-3	Basic Rate ISDN, %	ND										100%	a b c d e
OP-3	Basic Rate ISDN, %	D		100%		100%				100%			a b c d e
OP-3	Basic Rate ISDN, %			85.42%		86.02%		89.29%		80.68%		90.79%	a b c d e
OP-3	Business, %	ND	100%	97.60%	100%	96.79%	100%	99.01%	100%	96.04%	100%	97.98%	b c d

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-3	Business, %	D		93.07%	100%	92.49%	100%	91.24%	100%	92.38%		92.92%	a b c d e
OP-3	Centrex 21, %	ND		100%		97.37%		100%		100%		100%	a b c d e
OP-3	Centrex 21, %	D		92.77%		93.94%		95.12%		93.15%		94.57%	a b c d e
OP-3	Centrex, %	ND		100%									a b c d e
OP-3	Centrex, %	D		100%		90.00%		60.00%		70.00%		83.33%	a b c d e
OP-3	DS0, %	ND											a b c d e
OP-3	DS0, %	D						100%					a b c d e
OP-3	DS0, %			82.35%		92.31%		100%		85.71%		71.43%	a b c d e
OP-3	DS1, %			87.07%		84.95%		81.76%		76.38%		78.41%	a b c d e
OP-3	DS3, %			90.91%		90.00%		90.00%		90.00%		64.29%	a b c d e
OP-3	E911, %												a b c d e
OP-3	Frame Relay, %			87.86%		74.29%		83.02%		69.81%		61.90%	a b c d e
OP-3	ISDN Primary, %	ND				100%		100%					a b c d e
OP-3	ISDN Primary, %	D						0%					a b c d e
OP-3	ISDN Primary, %			60.00%		24.14%		53.85%		59.65%		38.37%	a b c d e
OP-3	Line Sharing, %	ND	98.91%	99.15%	99.17%	99.19%	99.12%	99.37%	100%	99.12%	99.41%	99.11%	
OP-3	Line Sharing, %	D		92.53%		92.46%		92.18%		92.73%		93.54%	a b c d e
OP-3	LIS Trunk, %		100%	90.00%	100%	77.78%	100%	100%	100%	95.83%	100%		a b e
OP-3	PBX, %	ND		100%		100%				100%		0%	a b c d e
OP-3	PBX, %	D		100%		100%		100%		66.67%		100%	a b c d e
OP-3	PBX, %			86.96%	100%	70.00%		70.00%		44.44%		55.56%	a b c d e
OP-3	Qwest DSL, %	ND	100%	98.98%		99.76%		99.47%		99.38%		99.27%	a b c d e
OP-3	Qwest DSL, %	D		91.75%		91.30%		96.51%		90.14%		95.00%	a b c d e
OP-3	Qwest DSL, %			50.00%		66.67%		100%		0%		100%	a b c d e
OP-3	Residence, %	ND	100%	99.19%	100%	99.25%	100%	99.37%	100%	99.21%	100%	99.14%	
OP-3	Residence, %	D	98.36%	92.40%	98.46%	92.45%	93.02%	92.38%	92.11%	92.80%	97.87%	93.68%	
OP-3	UBL - 2-wire, %		98.46%	85.57%	96.49%	86.32%	100%	89.29%	97.14%	80.90%	98.15%	90.91%	
OP-3	UBL - 4-wire, %			87.07%		84.95%		81.76%		76.38%	100%	78.41%	a b c d e
OP-3	UBL - ADSL Qualified, %			91.75%		90.43%		96.51%		90.14%		95.00%	a b c d e
OP-3	UBL - DS1 Capable, %		0%	87.07%	50.00%	84.95%	100%	81.76%	100%	76.38%	87.50%	78.41%	a b c d e
OP-3	UBL - DS3 Capable, %			90.91%		90.00%		90.00%		90.00%		64.29%	a b c d e
OP-3	UBL - Analog, %	ND											a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-3	UBL - Analog, %	D											a b c d e
OP-3	UBL - Analog, %		100%	92.53%	98.56%	92.46%	100%	92.18%	94.64%	92.73%	98.67%	93.54%	
OP-3	UBL - Conditioned, %		83.33%		95.24%		50.00%		100%		83.33%		c d e
OP-3	UBL - ISDN Capable, %		95.00%	85.57%	90.00%	86.32%	94.44%	89.29%	100%	80.90%	95.45%	90.91%	
OP-3	UDIT Above DS1 Level, %		100%	90.91%		90.00%		90.00%		90.00%		64.29%	a b c d e
OP-3	UDIT DS1, %			87.07%		84.95%	100%	81.76%		76.38%	100%	78.41%	a b c d e
OP-3	UNE-P, POTS, %	ND	100%	99.15%	100%	99.19%	99.34%	99.37%	99.22%	99.12%	100%	99.11%	
OP-3	UNE-P, POTS, %	D	93.33%	92.53%	89.66%	92.46%	83.33%	92.18%	96.43%	92.73%	100%	93.54%	
OP-3	UNE-P, Centrex, %	ND		100%									a b c d e
OP-3	UNE-P, Centrex, %	D		100%		90.00%		60.00%		70.00%		83.33%	a b c d e
OP-3	UNE-P, Centrex 21, %	ND		100%		97.37%		100%		100%		100%	a b c d e
OP-3	UNE-P, Centrex 21, %	D		92.77%		93.94%		95.12%		93.15%		94.57%	a b c d e
OP-4	**Installation Interval**												
OP-4	Basic Rate ISDN, Avg Days	ND										1	a b c d e
OP-4	Basic Rate ISDN, Avg Days	D		6		2				5			a b c d e
OP-4	Basic Rate ISDN, Avg Days			13.18		10.51		8.45		11.11		8.15	a b c d e
OP-4	Business, Avg Days	ND	2.07	3.2	1.5	3.32	2	3.03	3	3.85	2.33	3.07	b c d
OP-4	Business, Avg Days	D		6.7	3.25	6.17	3	7.39	6	6.03		6.34	a b c d e
OP-4	Centrex 21, Avg Days	ND		3.81		3.06		2.69		3.45		2.6	a b c d e
OP-4	Centrex 21, Avg Days	D		6.64		6.5		4.9		8.35		6.67	a b c d e
OP-4	Centrex, Avg Days	ND		0									a b c d e
OP-4	Centrex, Avg Days	D		3		6.3		3.2		11.9		9	a b c d e
OP-4	DS0, Avg Days	ND											a b c d e
OP-4	DS0, Avg Days	D						3					a b c d e
OP-4	DS0, Avg Days			4.71		8		4		4.67		16.2	a b c d e
OP-4	DS1, Avg Days			16.51		17.05		19.78		17.49		15.56	a b c d e
OP-4	DS3, Avg Days			16.59		18.92		10.38		19.91		30.88	a b c d e
OP-4	E911, Avg Days							34					a b c d e
OP-4	Frame Relay, Avg Days			7		10				6			a b c d e
OP-4	ISDN Primary, Avg Days	ND		7		10		6					a b c d e
OP-4	ISDN Primary, Avg Days	D						2					a b c d e
OP-4	ISDN Primary, Avg Days			19.67		25.57		13.92		15.84		18.13	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	Line Sharing, Avg Days	ND	3	4.82	3	3.77	3.11	3.59	3	3.65	3.04	3.5	
OP-4	Line Sharing, Avg Days	D		6.52		5.97		5.79		5.88		5.79	a b c d e
OP-4	LIS Trunk, Avg Days		13.38	16.5	15.2	30.58	16.78	25.91	15.42	18.8	14.5	13	a b e
OP-4	PBX, Avg Days	ND		2		3				0		5	a b c d e
OP-4	PBX, Avg Days	D		3.6		9.4		3.86		4.5		3.75	a b c d e
OP-4	PBX, Avg Days			12.26	3	10.6		9.9		15.3		10.22	a b c d e
OP-4	Qwest DSL, Avg Days	ND	5	4.93		4.89		4.89		4.88		4.89	a b c d e
OP-4	Qwest DSL, Avg Days	D		6.18		6.01		5.63		5.5		5.86	a b c d e
OP-4	Qwest DSL, Avg Days			13		5.33		8		2		2.5	a b c d e
OP-4	Residence, Avg Days	ND	3	4.85	3.01	3.79	3	3.6	2.98	3.64	2.96	3.51	
OP-4	Residence, Avg Days	D	4.8	6.47	4.17	5.92	3.53	5.43	4.18	5.85	4.28	5.67	
OP-4	UBL - 2-wire, Avg Days		3.88	13.1	4.02	10.31	3.74	8.45	4.63	11.04	3.76	8.06	
OP-4	UBL - 4-wire, Avg Days			16.51		17.05		19.78		17.49	4	15.56	a b c d e
OP-4	UBL - ADSL Qualified, Avg Days			6.18		6.03		5.63		5.5		5.86	a b c d e
OP-4	UBL - DS1 Capable, Avg Days		18	16.51	10.67	17.05	7	19.78	6.75	17.49	7.43	15.56	a b c d e
OP-4	UBL - DS3 Capable, Avg Days			16.59		18.92		10.38		19.91		30.88	a b c d e
OP-4	UBL - Analog, Avg Days	ND											a b c d e
OP-4	UBL - Analog, Avg Days	D											a b c d e
OP-4	UBL - Analog, Avg Days		5.62	6.52	5.64	5.97	5.05	5.79	5.37	5.88	4.95	5.79	
OP-4	UBL - Conditioned, Avg Days		7.08		8.67		10		3.5		9.5		c d e
OP-4	UBL - ISDN Capable, Avg Days		5.05	13.1	4.53	10.31	4.07	8.45	4.24	11.04	4.24	8.06	
OP-4	UDIT Above DS1 Level, Avg Days		11	16.59		18.92		10.38		19.91		30.88	a b c d e
OP-4	UDIT DS1, Avg Days		5	16.51		17.05	6	19.78		17.49	3	15.56	a b c d e
OP-4	UNE-P, POTS, Avg Days	ND	3.5	4.82	2.92	3.77	3.31	3.59	3.31	3.65	3.22	3.5	
OP-4	UNE-P, POTS, Avg Days	D	7.2	6.52	4.69	5.97	4.25	5.79	3.93	5.88	5.06	5.79	
OP-4	UNE-P, Centrex, Avg Days	ND		0									a b c d e
OP-4	UNE-P, Centrex, Avg Days	D		3		6.3		3.2		11.9		9	a b c d e
OP-4	UNE-P, Centrex 21, Avg Days	ND		3.81		3.06		2.69		3.45		2.6	a b c d e
OP-4	UNE-P, Centrex 21, Avg Days	D		6.64		6.5		4.9		8.35		6.67	a b c d e
OP-5	**New Service Installation Quality**												
OP-5	Basic Rate ISDN, %			88.10%		94.90%		94.87%		97.30%		90.48%	a b c d e
OP-5	Business, %		95.24%	83.10%	100%	92.82%	100%	90.28%	100%	88.53%	100%	88.29%	c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5	Centrex 21, %		100%	66.95%		88.55%		91.60%		78.57%		86.79%	a b c d e
OP-5	Centrex, %			65.00%		91.67%		87.50%		87.50%		87.50%	a b c d e
OP-5	DS0, %			54.55%		100%		92.86%		100%		100%	a b c d e
OP-5	DS1, %		100%	93.21%		98.09%		93.56%		91.85%		95.17%	a b c d e
OP-5	DS3, %			100%		100%		95.00%		94.74%		95.00%	a b c d e
OP-5	E911, %							100%		100%			a b c d e
OP-5	Frame Relay, %			90.82%		98.20%		98.48%		96.36%		97.37%	a b c d e
OP-5	ISDN Primary, %			99.17%		97.89%		94.39%		94.95%		97.47%	a b c d e
OP-5	Line Sharing, %		95.58%	84.58%	94.53%	91.88%	95.35%	90.05%	83.33%	89.65%	93.92%	90.50%	
OP-5	LIS Trunk, %		88.89%	100%	100%	100%	100%	96.55%	100%	86.84%	92.86%	100%	b
OP-5	PBX, %			93.48%	100%	100%	100%	87.50%		94.44%		85.71%	a b c d e
OP-5	Qwest DSL, %		100%	99.93%	100%	100%		100%		100%		100%	a b c d e
OP-5	Residence, %		90.54%	84.71%	93.94%	91.78%	94.00%	90.03%	92.00%	89.76%	95.52%	90.71%	
OP-5	UBL - 2-wire, %		91.38%	88.10%	96.77%	94.90%	98.00%	89.74%	94.87%	94.59%	97.83%	80.95%	
OP-5	UBL - 4-wire, %			93.21%		98.09%		93.56%		91.85%	100%	95.17%	a b c d e
OP-5	UBL - ADSL Qualified, %			98.95%		100%		100%		100%		100%	a b c d e
OP-5	UBL - DS1 Capable, %		100%	93.21%	100%	98.09%	100%	93.56%	100%	91.85%	100%	95.17%	a b c d e
OP-5	UBL - DS3 Capable, %			100%		100%		95.00%		94.74%		95.00%	a b c d e
OP-5	UBL - Analog, %		98.80%	59.21%	98.50%	79.98%	98.43%	75.31%	97.27%	73.99%	97.53%	76.48%	
OP-5	UBL - ISDN Capable, %		91.67%	88.10%	80.95%	94.90%	95.00%	89.74%	100%	94.59%	95.45%	80.95%	
OP-5	UDIT Above DS1 Level, %		100%	100%	100%	100%		95.00%		94.74%		95.00%	a b c d e
OP-5	UDIT DS1, %		100%	93.21%	0%	98.09%	100%	93.56%	100%	91.85%	100%	95.17%	a b c d e
OP-5	UNE-P, POTS, %		86.57%	84.58%	93.60%	91.88%	91.49%	90.05%	92.17%	89.65%	93.55%	90.50%	
OP-5	UNE-P, Centrex, %			65.00%		91.67%		75.00%		75.00%		75.00%	a b c d e
OP-5	UNE-P, Centrex 21, %			66.95%		88.55%		91.60%		78.57%		86.79%	a b c d e
OP-5*	Basic Rate ISDN, %			89.29%		100%		98.72%		98.65%			a b c d e
OP-5*	Business, %		95.24%	86.61%	100%	93.48%	100%	92.84%	100%	90.95%			c d e
OP-5*	Centrex 21, %		100%	75.42%		93.89%		93.28%		84.69%			a b c d e
OP-5*	Centrex, %			70.00%		91.67%		87.50%		87.50%			a b c d e
OP-5*	DS0, %			59.09%		93.75%		92.86%		100%			a b c d e
OP-5*	DS1, %		100%	94.44%		93.46%		94.06%		94.36%			a b c d e
OP-5*	DS3, %			100%		97.44%		95.00%		94.74%			a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5*	E911, %							100%		100%			a b c d e
OP-5*	Frame Relay, %			95.92%		99.10%		98.48%		96.36%			a b c d e
OP-5*	ISDN Primary, %			99.17%		96.84%		97.20%		96.97%			a b c d e
OP-5*	Line Sharing, %		96.46%	87.62%	99.22%	92.10%	99.22%	91.58%	94.17%	91.04%			e
OP-5*	LIS Trunk, %		88.89%	100%	100%	91.67%	100%	96.55%	100%	89.47%			b e
OP-5*	PBX, %			95.65%	100%	100%	100%	95.83%		94.44%			a b c d e
OP-5*	Qwest DSL, %		100%	100%	100%	100%		100%		100%			a b c d e
OP-5*	Residence, %		91.22%	87.71%	94.55%	91.96%	94.00%	91.46%	92.80%	91.05%			e
OP-5*	UBL - 2-wire, %		93.10%	89.29%	100%	98.98%	100%	97.44%	97.44%	97.30%			e
OP-5*	UBL - 4-wire, %			94.44%		93.46%		94.06%		94.36%			a b c d e
OP-5*	UBL - ADSL Qualified, %			100%		100%		100%		100%			a b c d e
OP-5*	UBL - DS1 Capable, %		100%	94.44%	100%	93.46%	100%	94.06%	100%	94.36%			a b c d e
OP-5*	UBL - DS3 Capable, %			100%		97.44%		95.00%		94.74%			a b c d e
OP-5*	UBL - Analog, %		99.60%	67.25%	99.25%	80.53%	99.21%	79.11%	99.39%	77.49%			e
OP-5*	UBL - ISDN Capable, %		91.67%	89.29%	95.24%	98.98%	95.00%	97.44%	100%	97.30%			e
OP-5*	UDIT Above DS1 Level, %		100%	100%	100%	97.44%		95.00%		94.74%			a b c d e
OP-5*	UDIT DS1, %		100%	94.44%	100%	93.46%	100%	94.06%	100%	94.36%			a b c d e
OP-5*	UNE-P, POTS, %		88.06%	87.62%	89.60%	92.10%	93.09%	91.58%	93.98%	91.04%			e
OP-5*	UNE-P, Centrex, %			70.00%		91.67%		75.00%		75.00%			a b c d e
OP-5*	UNE-P, Centrex 21, %			75.42%		93.89%		93.28%		84.69%			a b c d e
OP-6A	**Delayed Days for Non-Facility Reasons**												
OP-6A	Basic Rate ISDN, Avg Days	ND											a b c d e
OP-6A	Basic Rate ISDN, Avg Days	D											a b c d e
OP-6A	Basic Rate ISDN, Avg Days			9.73		21		9		2.75		6.75	a b c d e
OP-6A	Business, Avg Days	ND		2.33		12.25		6.5		16		6.75	a b c d e
OP-6A	Business, Avg Days	D		9.09		4.9		3		3.14		4.18	a b c d e
OP-6A	Centrex 21, Avg Days	ND				10							a b c d e
OP-6A	Centrex 21, Avg Days	D		1		1.67		8.5		6		1.6	a b c d e
OP-6A	Centrex, Avg Days	D				1		1					a b c d e
OP-6A	DS0, Avg Days	D											a b c d e
OP-6A	DS0, Avg Days			3.33		21.5				6		6.5	a b c d e
OP-6A	DS1, Avg Days			37.25		18.08		20.7		22.84		18.44	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6A	DS3, Avg Days			31.8		17		1		40		31	a b c d e
OP-6A	E911, Avg Days												a b c d e
OP-6A	Frame Relay, Avg Days			10.81		23.29		58.43		34.22		21.33	a b c d e
OP-6A	ISDN Primary, Avg Days	ND											a b c d e
OP-6A	ISDN Primary, Avg Days	D						1					a b c d e
OP-6A	ISDN Primary, Avg Days			22.13		25.05		7.92		15.5		12.57	a b c d e
OP-6A	Line Sharing, Avg Days	ND	1	55.13	3	9.4		4.88		6.18	6	3.92	a b c d e
OP-6A	Line Sharing, Avg Days	D		6.81		8.33		3.71		4.95		10.52	a b c d e
OP-6A	LIS Trunk, Avg Days			18		73.5				7			a b c d e
OP-6A	PBX, Avg Days	ND										2	a b c d e
OP-6A	PBX, Avg Days	D								3			a b c d e
OP-6A	PBX, Avg Days			14.17		10.5		2		7		7.17	a b c d e
OP-6A	Qwest DSL, Avg Days	ND		10.63		26.67		5.4		1.75		34	a b c d e
OP-6A	Qwest DSL, Avg Days	D		6.56		3.5		3.67		1.86		2.75	a b c d e
OP-6A	Qwest DSL, Avg Days			5		3				1			a b c d e
OP-6A	Residence, Avg Days	ND		61.73		9		4.82		5.13		3.76	a b c d e
OP-6A	Residence, Avg Days	D	1	5.89	1	9.37	10	3.93	2	5.54		12.33	a b c d e
OP-6A	UBL - 2-wire, Avg Days		1	9.73		21		9	26	2.75	10	6.75	a b c d e
OP-6A	UBL - 4-wire, Avg Days			37.25		18.08		20.7		22.84		18.44	a b c d e
OP-6A	UBL - ADSL Qualified, Avg Days			6.56		3.44		3.67		1.86		2.75	a b c d e
OP-6A	UBL - DS1 Capable, Avg Days		11	37.25	2	18.08		20.7		22.84		18.44	a b c d e
OP-6A	UBL - DS3 Capable, Avg Days			31.8		17		1		40		31	a b c d e
OP-6A	UBL - Analog, Avg Days	D											a b c d e
OP-6A	UBL - Analog, Avg Days			6.81	3.33	8.33		3.71	3.78	4.95	3	10.52	a b c e
OP-6A	UBL - ISDN Capable, Avg Days			9.73		21		9		2.75	9	6.75	a b c d e
OP-6A	UDIT Above DS1 Level, Avg Days			31.8		17		1		40		31	a b c d e
OP-6A	UDIT DS1, Avg Days			37.25		18.08		20.7		22.84		18.44	a b c d e
OP-6A	UNE-P, POTS, Avg Days	D	31	6.81	1	8.33	1.33	3.71	2	4.95		10.52	a b c d e
OP-6A	UNE-P, POTS, Avg Days	ND		55.13		9.4	6	4.88	3	6.18		3.92	a b c d e
OP-6A	UNE-P, Centrex, Avg Days	D				1		1					a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	ND				10							a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	D		1		1.67		8.5		6		1.6	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6B	**Delayed Days for Facility Reasons**												
OP-6B	Basic Rate ISDN, Avg Days	ND											a b c d e
OP-6B	Basic Rate ISDN, Avg Days	D											a b c d e
OP-6B	Basic Rate ISDN, Avg Days			382		18		25		15.15		11.67	a b c d e
OP-6B	Business, Avg Days	ND		9		1				4		35	a b c d e
OP-6B	Business, Avg Days	D		9.16		10.07		9.75		7.77		11.65	a b c d e
OP-6B	Centrex 21, Avg Days	D		2		4.6		5		7.5		38	a b c d e
OP-6B	Centrex, Avg Days	D						1		11.67		26	a b c d e
OP-6B	DS0, Avg Days	D											a b c d e
OP-6B	DS0, Avg Days												a b c d e
OP-6B	DS1, Avg Days			37.8		16		24.78		13.42		20.73	a b c d e
OP-6B	DS3, Avg Days					15				20		72	a b c d e
OP-6B	Frame Relay, Avg Days			16		23		39		16.57		22.6	a b c d e
OP-6B	ISDN Primary, Avg Days					41.14		33		13.13		9.07	a b c d e
OP-6B	Line Sharing, Avg Days	ND	10.5	353.75		58.39	8.5	13.17		12.11		8.82	a b c d e
OP-6B	Line Sharing, Avg Days	D		17.65		15.47		12.3		11.67		12.68	a b c d e
OP-6B	LIS Trunk, Avg Days												a b c d e
OP-6B	PBX, Avg Days	D											a b c d e
OP-6B	PBX, Avg Days											9	a b c d e
OP-6B	Qwest DSL, Avg Days	ND											a b c d e
OP-6B	Qwest DSL, Avg Days	D											a b c d e
OP-6B	Residence, Avg Days	ND		362.59		61.76		13.17		14.43		7.19	a b c d e
OP-6B	Residence, Avg Days	D		18.88		16.56	4	12.89	4	12.32	1	12.93	a b c d e
OP-6B	UBL - 2-wire, Avg Days			382	2	18		25		15.15	1	11.67	a b c d e
OP-6B	UBL - 4-wire, Avg Days			37.8		16		24.78		13.42		20.73	a b c d e
OP-6B	UBL - ADSL Qualified, Avg Days												a b c d e
OP-6B	UBL - DS1 Capable, Avg Days			37.8	6	16		24.78		13.42	1	20.73	a b c d e
OP-6B	UBL - DS3 Capable, Avg Days					15				20		72	a b c d e
OP-6B	UBL - Analog, Avg Days	D											a b c d e
OP-6B	UBL - Analog, Avg Days			17.65	9	15.47		12.3		11.67		12.68	a b c d e
OP-6B	UBL - ISDN Capable, Avg Days		12	382	6.67	18	2	25		15.15		11.67	a b c d e
OP-6B	UDIT Above DS1 Level, Avg Days					15				20		72	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6B	UDIT DS1, Avg Days			37.8		16		24.78		13.42		20.73	a b c d e
OP-6B	UNE-P, POTS, Avg Days	ND		353.75		58.39		13.17		12.11		8.82	a b c d e
OP-6B	UNE-P, POTS, Avg Days	D		17.65	10	15.47	13	12.3		11.67		12.68	a b c d e
OP-6B	UNE-P, Centrex, Avg Days	D						1		11.67		26	a b c d e
OP-6B	UNE-P, Centrex 21, Avg Days	D		2		4.6		5		7.5		38	a b c d e
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**												
OP-7	Analog, Hrs:Min		0:03		0:02		0:03		0:02		0:04		
OP-8	**Number Portability Timeliness**												
OP-8B	with Loop Coordination, %		99.53%		100%		100%		100%		100%		
OP-8C	without Loop Coordination, %		100%		99.29%		99.76%		99.17%		99.06%		
OP-13A	**Coordinated Cuts Completed on Time - Unbundled Loop**												
OP-13A	UBL - Analog, %		100%		100%		100%		100%		100%		
OP-13A	UBL - Other, %		100%		100%		100%		100%		100%		
OP-13B	**Coordinated Cuts Started Without CLEC Approval - Unbundled Loop**												
OP-13B	UBL - Analog, %		0%		0%		0%		0%		0%		
OP-13B	UBL - Other, %		0%		0%		0%		0%		0%		
OP-15A	**Interval for Pending Orders Delayed Past Due Date**												
OP-15A	Basic Rate ISDN, Avg Days			142.14		172.23		104.95		83.94		117.93	a b c d e
OP-15A	Business, Avg Days			152.66		145.31		156.77		141.6		136.79	a b c d e
OP-15A	Centrex 21, Avg Days			179.33		140.4		104.78		111.8		106.1	a b c d e
OP-15A	Centrex, Avg Days			31.22		130.5		96.67		162		120.67	a b c d e
OP-15A	DS0, Avg Days			239.67		262.67		182.5		87.2		164	a b c d e
OP-15A	DS1, Avg Days			68.81		61.08		65.53		77.39		103.95	a b c d e
OP-15A	DS3, Avg Days			36.83		44.5		50.57		41.6		41.5	a b c d e
OP-15A	Frame Relay, Avg Days			65.84		107.75		92.2		89.6		59.88	a b c d e
OP-15A	ISDN Primary, Avg Days			22.17		15.5		11.07		25.78		21.09	a b c d e
OP-15A	Line Sharing, Avg Days		4.71		3				7				a b c d e
OP-15A	LIS Trunk, Avg Days												a b c d e
OP-15A	PBX, Avg Days			113.33		135		117.5		109.3		137.6	a b c d e
OP-15A	Residence, Avg Days		8.5	149.43	23.5	121.45	33	146.58	91	152.01	8	175.98	a b c d e
OP-15A	UBL - 2-wire, Avg Days		3	142.14	15.67	172.23	9	104.95	10.5	83.94		117.93	a b c d e
OP-15A	UBL - 4-wire, Avg Days			68.81		61.08		65.53		77.39		103.95	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15A	UBL - DS1 Capable, Avg Days		0	68.81		61.08		65.53	16	77.39	38	103.95	a b c d e
OP-15A	UBL - DS3 Capable, Avg Days			36.83		44.5		50.57		41.6		41.5	a b c d e
OP-15A	UBL - Analog, Avg Days			125.31		136.08	0	153.93	19	157.06		175.2	a b c d e
OP-15A	UBL - ISDN Capable, Avg Days		10	142.14	9	172.23	10	104.95	5.5	83.94	13.67	117.93	a b c d e
OP-15A	UDIT Above DS1 Level, Avg Days			36.83		44.5		50.57		41.6		41.5	a b c d e
OP-15A	UDIT DS1, Avg Days			68.81		61.08		65.53		77.39		103.95	a b c d e
OP-15A	UNE-P, POTS, Avg Days		25	149.79	0.33	123.51	2	147.5		150.98	12	172.01	a b c d e
OP-15A	UNE-P, Centrex, Avg Days			31.22		130.5		96.67		162		120.67	a b c d e
OP-15A	UNE-P, Centrex 21, Avg Days			179.33		140.4		104.78		111.8		106.1	a b c d e
OP-15B	**Pending Orders Delayed for Facilities Reasons**												
OP-15B	Basic Rate ISDN			9		6		8		3		3	a b c d e
OP-15B	Business			103		98		87		101		88	a b c d e
OP-15B	Centrex			1		2		3		2		1	a b c d e
OP-15B	Centrex 21			6		6		6		6		5	a b c d e
OP-15B	DS0			1		1		0		0		0	a b c d e
OP-15B	DS1			24		32		28		17		13	a b c d e
OP-15B	DS3			4		3		5		2		1	a b c d e
OP-15B	Frame Relay			5		6		8		2		2	a b c d e
OP-15B	ISDN Primary			14		7		1		0		3	a b c d e
OP-15B	Line Sharing		6		1				1				a b c d e
OP-15B	LIS Trunk												a b c d e
OP-15B	PBX			1		1		1		2		1	a b c d e
OP-15B	Residence		1	744	1	720	1	688	1	720	0	666	a b c d e
OP-15B	UBL - 2-wire		1	9	3	6	1	8	2	3		3	a b c d e
OP-15B	UBL - 4-wire			24		32		28		17		13	a b c d e
OP-15B	UBL - DS1 Capable		1	24		32		28	1	17	0	13	a b c d e
OP-15B	UBL - DS3 Capable			4		3		5		2		1	a b c d e
OP-15B	UBL - Analog			477		454	10	427	1	447		411	a b c d e
OP-15B	UBL - ISDN Capable		2	9	2	6	1	8	2	3	3	3	a b c d e
OP-15B	UDIT Above DS1 Level			4		3		5		2		1	a b c d e
OP-15B	UDIT DS1			24		32		28		17		13	a b c d e
OP-15B	UNE-P, POTS		0	847	1	818	0	775		821	0	754	a b c d e

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15B	UNE-P, Centrex			1		2		3		2		1	a b c d e
OP-15B	UNE-P, Centrex 21			6		6		6		6		5	a b c d e
OP-17	**Timeliness of Disconnects associated with LNP Orders**												
OP-17A	LNP, %		100%		98.17%		100%		100%		100%		
OP-17B	LNP, %		100%		100%		100%		100%		100%		
OPERATOR SERVICES													
OS-1	**Speed of Answer - Operator Services**												
OS-1	All, Avg Sec			8.69		8.52		8.33		8.88		8.32	a b c d e
PRE-ORDER/ORDER													
PO-1	**Pre-Order/Order Response Times**												
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec		0.56		0.6		0.44		0.3		0.34		
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec		1.77		1.68		1.47		1.43		1.55		
PO-1A-1Total	Appt. Sched, GUI Aggregate, Avg Sec		2.33		2.28		1.91		1.73		1.89		
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec		0.5		0.52		0.41		0.37		0.44		
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec		6.75		6.87		7.25		7.49		7.71		
PO-1A-2Total	Service Avail, GUI Aggregate, Avg Sec		7.25		7.4		7.66		7.86		8.14		
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec		0.7		0.74		0.55		0.41		0.57		
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec		7.48		7.16		7.33		6.89		7		
PO-1A-3Total	Facility Check, GUI Aggregate, Avg Sec		8.18		7.9		7.88		7.3		7.57		
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec		1.31		1.32		1.09		0.81		0.83		
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec		5.1		4.75		4.37		3.82		3.89		
PO-1A-4Total	Address Validation, GUI Aggregate, Avg Sec		6.41		6.07		5.47		4.64		4.72		
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec		0.7		0.7		0.61		0.67		0.89		
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec		5.59		5.74		5.71		6.22		6.55		
PO-1A-5Total	Get CSR, GUI Aggregate, Avg Sec		6.28		6.44		6.32		6.89		7.44		
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec		0.79		0.82		0.61		0.29		0.33		
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec		4.5		4.45		4.83		5.05		4.78		
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec		0.66		0.62		0.66		0.72		0.72		
PO-1A-6Total	TN Reserv, GUI Aggregate, Avg Sec		5.94		5.9		6.11		6.06		5.83		
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec		1.05		1.1		0.94		0.74		0.78		
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec		5.75		6.82		6.74		6.88		6.94		
PO-1A-7Total	Loop Qual Tools, GUI Aggregate, Avg Sec		6.8		7.92		7.68		7.62		7.72		

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec		0.91		0.92		0.72		0.8		0.47		
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec		5.63		6.14		8.14		6.94		7.4		
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggregate, Avg Sec		6.54		7.06		8.86		7.74		7.87		
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec		0.44		0.54		0.36		0.27		0.27		
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec		8.25		8.13		8.89		8.79		8.45		
PO-1A-9Total	Connecting Facility Assign, GUI Aggregate, Avg Sec		8.69		8.67		9.25		9.06		8.73		
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec		0.47		0.43		0.36		0.29		0.31		
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec		4.87		5.19		4.96		4.91		4.81		
PO-1A-10Total	Meet Point Inquiry, GUI Aggregate, Avg Sec		5.34		5.62		5.32		5.2		5.12		
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec		3.55		3.54		3.34		3.36		3.39		
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec		5.41		5.45		5.54		5.28		5.06		
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec		6.61		7.07		7.2		6.9		7.09		
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec		7.33		6.96		6.65		6.37		6.5		
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec		2.88		2.69		2.57		2.54		2.56		
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec		2.66		3.1		3.05		3.14		3.25		
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec		5.18		5.21		5.41		5.46		5.24		
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec		7.24		7.28		7.09		6.84		7.12		
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec		5.74		6.88		6.51		5.79		6.96		
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec		8.03		8.48		8.51		8.4		8.1		
PO-1C-1	Timeout, GUI Total, %		0.04%		0.34%		0.48%		0.26%		0.28%		
PO-1C-2	Timeout, EDI Total, %		0.24%		0.14%		0.05%		0.01%		0.07%		
PO-1D-1	Rejected Query, GUI Total, Avg Sec		1.34		1.36		1.33		1.32		1.31		
PO-1D-2	Rejected Query, EDI Total, Avg Sec		1.84		1.94		1.88		1.87		1.78		
PO-2	**Electronic Flow-through**												
PO-2A-1	GUI, LNP, %		0%		7.14%		3.70%		17.65%		25.00%		a
PO-2A-1	GUI, Resale Aggregate W/O UNE-P-POTS, %		83.67%		81.13%		77.63%		75.63%		77.85%		
PO-2A-1	GUI, UBL Aggregate, %		42.62%		20.00%		57.50%		51.38%		39.71%		
PO-2A-1	GUI, UNE-P, POTS, %		76.79%		86.96%		58.00%		58.62%		73.08%		
PO-2A-2	EDI, LNP, %		33.33%		0%		0%		0%		5.88%		a c d
PO-2A-2	EDI, Resale Aggregate W/O UNE-P-POTS, %		0%		0%		4.76%		7.69%		26.67%		a
PO-2A-2	EDI, UBL Aggregate, %		47.71%		54.18%		54.84%		48.73%		64.88%		
PO-2A-2	EDI, UNE-P, POTS, %		60.47%		57.58%		54.90%		57.79%		63.60%		

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-2B-1	All Eligible LSRs, GUI, LNP, %				33.33%		50.00%		60.00%		90.00%		a b c d e
PO-2B-1	All Eligible LSRs, GUI, Resale Aggregate W/O UNE-P-POTS, %		98.13%		96.17%		91.40%		98.54%		98.80%		
PO-2B-1	All Eligible LSRs, GUI, UBL Aggregate, %		96.30%		61.90%		82.14%		96.55%		77.14%		
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %		95.56%		98.04%		93.55%		100%		95.00%		
PO-2B-2	All Eligible LSRs, EDI, LNP, %		50.00%		0%						16.67%		a b c d e
PO-2B-2	All Eligible LSRs, EDI, Resale Aggregate W/O UNE-P-POTS, %				0%		100%		100%		100%		a b c d e
PO-2B-2	All Eligible LSRs, EDI, UBL Aggregate, %		79.62%		88.31%		88.54%		88.74%		91.51%		
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %		97.50%		85.93%		88.61%		96.58%		96.36%		
PO-3	**LSR Rejection Notice Interval**												
PO-3A-1	GUI - Rejected Manually, Product Aggregate, Hrs:Min		3:24		2:15		4:20		2:40		3:06		
PO-3A-2	GUI - Auto-Rejected, Product Aggregate, Min:Sec		0:03		0:03		0:03		0:03		0:07		
PO-3B-1	EDI - Rejected Manually, Product Aggregate, Hrs:Min		3:32		4:03		3:41		4:42		2:25		
PO-3B-2	EDI - Auto-Rejected, Product Aggregate, Min:Sec		0:05		0:05		0:03		0:03		0:01		
PO-3C	Manual and IIS, Product Aggregate, Hrs:Min		9:21		5:29		13:26		6:02		3:05		
PO-4	**LSRs Rejected**												
PO-4A-1	GUI - Rejected Manually, Product Aggregate, %		2.20%		2.59%		2.67%		2.82%		3.19%		
PO-4A-2	GUI - Auto-Rejected, Product Aggregate, %		31.56%		28.58%		32.61%		31.18%		31.23%		
PO-4B-1	EDI - Rejected Manually, Product Aggregate, %		4.67%		4.98%		3.81%		4.01%		3.27%		
PO-4B-2	EDI - Auto-Rejected, Product Aggregate, %		20.79%		22.15%		27.14%		26.33%		48.51%		
PO-4C	Facsimile , Product Aggregate, %		9.01%		21.78%		24.48%		17.79%		10.75%		
PO-5	**Firm Order Confirmations (FOCs) On Time**												
PO-5A-1(a)	Fully Elec LSRs Rec'd Via GUI, Resale Aggregate, %		100%		98.75%		99.50%		100%		100%		
PO-5A-1(b)	Fully Elec LSRs Rec'd Via GUI, UBL Aggregate, %		100%		100%		100%		100%		100%		
PO-5A-1(c)	Fully Elec LSRs Rec'd Via GUI, LNP, %				100%		100%		100%		100%		a b c d e
PO-5A-2(a)	Fully Elec LSRs Rec'd Via EDI, Resale Aggregate, %		100%		99.41%		99.29%		100%		100%		
PO-5A-2(b)	Fully Elec LSRs Rec'd Via EDI, UBL Aggregate, %		100%		98.92%		99.29%		100%		100%		
PO-5A-2(c)	Fully Elec LSRs Rec'd Via EDI, LNP, %		100%										a b c d e
PO-5B-1(a)	Elec/Manual LSRs Rec'd Via GUI, Resale Aggregate, %		100%		97.33%		100%		100%		100%		
PO-5B-1(b)	Elec/Manual LSRs Rec'd Via GUI, UBL Aggregate, %		96.97%		91.84%		95.00%		98.59%		98.33%		
PO-5B-1(c)	Elec/Manual LSRs Rec'd Via GUI, LNP, %		83.33%		100%		100%		100%		100%		a
PO-5B-2(a)	Elec/Manual LSRs Rec'd Via EDI, Resale Aggregate, %		96.49%		97.04%		95.94%		93.69%		95.70%		
PO-5B-2(b)	Elec/Manual LSRs Rec'd Via EDI, UBL Aggregate, %		99.67%		98.39%		99.66%		99.31%		100%		

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-5B-2(c)	Elec/Manual LSRs Rec'd Via EDI, LNP, %		100%		100%		100%		100%		100%		a c d
PO-5C-(a)	Manual, Resale Aggregate, %		100%		97.67%		100%		100%		100%		
PO-5C-(b)	Manual, UBL Aggregate, %		100%		100%		100%		100%		100%		a b d e
PO-5C-(c)	Manual, LNP, %		100%		95.00%		100%		100%		100%		
PO-5D	LIS Trunk, %		100%		100%		100%		100%		100%		c e
PO-6	**Work Completion Notification Timeliness**												
PO-6A	GUI, All, Hrs:Min		0:31		0:20		0:10		0:14		0:15		
PO-6B	EDI, All, Hrs:Min		0:21		0:08		0:21		0:17		0:19		
PO-7	**Billing Completion Notification Timeliness**												
PO-7A-C	GUI, All, %		99.47%	98.48%	99.85%	99.50%	99.38%	99.34%	100%	99.31%	99.19%	99.26%	
PO-7B-C	EDI, All, %			98.48%		99.50%		99.34%		99.31%		99.26%	a b c d e
PO-8	**Jeopardy Notice Interval**												
PO-8A	Non-Designed Services, Avg Days		6	7.63		6.46	2.67	5.07	4.5	5.97	6	6.3	a b c d e
PO-8B	UBLs and LNP, Avg Days		4.6	7.63	4.41	6.46	4.63	5.07	5.5	5.97	2.89	6.3	c e
PO-8C	LIS Trunk, Avg Days			0		20							a b c d e
PO-8D	UNE-P, POTS, Avg Days			7.63	3.33	6.46		5.07		5.97		6.3	a b c d e
PO-9	**Timely Jeopardy Notices**												
PO-9A	Non-Designed Services, %		0%	27.32%	0%	24.01%	33.33%	32.89%	100%	31.21%		27.66%	a b c d e
PO-9B	UBLs and LNP, %		75.00%	27.32%	40.00%	24.01%		32.89%	0%	31.21%	71.43%	27.66%	a b c e
PO-9C	LIS Trunk, %			0%		100%		0%		0%		0%	a b c d e
PO-9D	UNE-P, POTS, %			27.32%	66.67%	24.01%	0%	32.89%	0%	31.21%		27.66%	a b c d e
PO-10	**LSR Accountability**												
PO-10	Product Aggregate, %		100%		99.99%		100%		100%		100%		
PO-15	**Number of Due Date Changes per Order**												
PO-15	All, Avg Days		0.12	0.03	0.12	0.03	0.1	0.03	0.07	0.03	0.08	0.02	
PO-16	**Timely Release Notifications**												
PO-16	All, %		100%		100%				100%		100%		a b c d e
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**												
PO-19	All, %		98.89%		99.11%		97.61%		98.28%		100%		
PO-19A	Rel. 10.0, %		98.45%		99.48%		97.42%		98.46%		100%		
PO-19A	Rel. 11.0, %				100%		98.17%		97.25%		100%		a
PO-19A	Rel. 8.0, %		98.94%										b c d e
PO-19A	Rel. 9.0, %		98.94%		100%		95.77%						d e
PO-19A	Rel. VICKI, %		100%		92.31%		100%		100%		100%		

NEW MEXICO PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-19B	All, %						97.06%						a b d e
PO-20	**Manual Service Order Accuracy**												
PO-20	Resale POTS and UNE-P, POTS, %		96.88%		97.22%		95.20%		94.40%		93.98%		
PO-20	UBLs, Analog & NL 2-wire, %		94.42%		97.50%		96.47%		97.38%		96.36%		

Metric Number:

* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting

D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:

a = Sample size less than or equal to 10 in September 2002
b = Sample size less than or equal to 10 in October 2002
c = Sample size less than or equal to 10 in November 2002
d = Sample size less than or equal to 10 in December 2002
e = Sample size less than or equal to 10 in January 2003

Appendix D

Oregon Performance Metrics

The data in this appendix are taken from a letter from C. Jeffrey Tibbels, Attorney, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed February 28, 2003) (Qwest February 28A Ex Parte Letter) Attach. 1 (Statewide Average Performance Summary, CO, NM, OR, SD, Aug 02-Jan 03). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Center
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
BILLING													
BI-1	**Time to Provide Recorded Usage Records**												
BI-1A	UNEs and Resale Aggregate, Avg Days		1.93	5.39	1.8	5.01	1.78	5.12	1.76	4.8	1.72	4.88	
BI-1B	Jointly-provided Switched Access, %		100%		100%		100%		100%		99.98%		
BI-1C-1	[CAT11], UNEs and Resale Aggregate, Avg Days		1.85	5.39	1.74	5.01	1.7	5.12	1.72	4.8	1.65	4.88	
BI-1C-2	[CAT10], UNEs and Resale Aggregate, Avg Days		2.09	5.39	1.9	5.01	1.92	5.12	1.84	4.8	1.83	4.88	
BI-2	**Invoices Delivered within 10 Days**												
BI-2	within 10 Days, All, %		99.98%		100%		100%		99.98%		100%		
BI-3	**Billing Accuracy - Adjustments for Errors**												
BI-3A	UNEs and Resale Aggregate, %		95.30%	98.98%	86.08%	99.23%	65.49%	99.45%	88.52%	99.15%	84.66%	99.11%	
BI-3B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-4	**Billing Completeness**												
BI-4A	UNEs and Resale Aggregate, %		99.37%	98.87%	99.47%	99.11%	99.56%	99.00%	99.38%	98.91%	98.16%	98.91%	
BI-4B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-5	**Billing Accuracy & Claims Processing**												
BI-5A	Acknowledgment, All, %		99.70%		99.64%		99.60%		100%		99.36%		
BI-5B	Resolution, All, %		100%		100%		100%		100%		98.54%		
COLLOCATION													
CP-1	**Collocation Completion Interval when Scheduled Interval is…**												
CP-1A	90 Calendar Days or Less, All, Avg Days		63				80		76				a b c d e
CP-1B	91 to 120 Calendar Days, All, Avg Days						94		29		99.33		a b c d e
CP-1C	121 to 150 Calendar Days, All, Avg Days		136				62		133		113.67		a b c d e
CP-2	**Collocations Completed within Scheduled Intervals**												
CP-2B	Non-Forcasted & Late Forecasted , All, %		100%				100%		100%		100%		a b c d e
CP-2C	with Intervs Longer than 120 Days, All, %		100%		100%		100%		100%		100%		a b c d e
CP-3	**Collocation Feasibility Study Interval**												
CP-3	All, Avg Days		7.5		6.83		5.5		7		6.5		a b c d e
CP-4	**Collocation Feasibility Study Commitments Met**												
CP-4	All, %		100%		100%		100%		100%		100%		a b c d e
DIRECTORY ASSISTANCE													
DA-1	**Speed of Answer - Directory Assistance**												
DA-1	Avg Sec			8.68		8.66		8.45		8.01		8.24	a b c d e
DATABASE UPDATES													

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
DB-1	**Time to Update Databases**												
DB-1A	E911, Hrs:Min		2:19		3:09		2:08		3:05		1:56		
DB-1B	LIDB, Avg Sec		1.27		1.75		1.46		1.47		1.42		
DB-1C-1	Directory Listing, Avg Sec		0.05		0.08		0.14		0.12		0.13		
DB-2	**Accurate Database Updates**												
DB-2C-1	Directory Listing, %		97.50%		97.64%		98.57%		98.80%		98.35%		
ELECTRONIC GATEWAY AVAILABILITY													
GA-1	**Gateway Availability - IMA-GUI**												
GA-1A	All, %		100%		99.33%		99.44%		99.67%		96.69%		
GA-1B	Fetch-n-Stuff, %		100%		100%		100%		100%				e
GA-1C	Data Arbiter, %		100%		100%		100%		100%				e
GA-1D	SIA, %		99.95%		100%		100%		100%		100%		
GA-2	**Gateway Availability - IMA-EDI**												
GA-2	All, %		99.80%		99.56%		99.39%		99.69%		96.69%		
GA-3	**Gateway Availability - EB-TA**												
GA-3	All, %		99.94%		100%		100%		100%		99.86%		
GA-4	**System Availability - EXACT**												
GA-4	All, %		100%		100%		100%		100%		100%		
GA-6	**Gateway Availability - GUI - Repair**												
GA-6	All, %		100%		100%		100%		100%		97.82%		
GA-7	**Timely Outage Resolution Following Software Releases**												
GA-7	All, %												a b c d e
MAINTENANCE AND REPAIR													
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**												
MR-2	All, %		85.75%	86.24%	92.98%	92.32%	92.43%	90.44%	89.25%	87.11%	88.46%	83.51%	
MR-3	**Out of Service Cleared within 24 Hours**												
MR-3	Basic Rate ISDN, %	ND		100%		100%		100%	100%	100%	100%	100%	a b c d e
MR-3	Basic Rate ISDN, %	D		93.94%		100%	100%	100%		100%		100%	a b c d e
MR-3	Business, %	ND	81.82%	98.67%	100%	99.48%	100%	97.78%	100%	99.03%	93.75%	96.71%	b c d
MR-3	Business, %	D	83.33%	88.39%	94.44%	92.63%	94.44%	88.04%	97.73%	90.51%	94.59%	89.55%	
MR-3	Centrex 21, %	ND		100%		100%		100%		94.12%		100%	a b c d e
MR-3	Centrex 21, %	D		87.64%		92.55%		93.67%		87.95%	100%	87.39%	a b c d e
MR-3	Centrex, %	D		83.33%	100%	91.89%		88.10%	42.86%	87.88%	100%	86.49%	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-3	Centrex, %	ND		100%	100%	100%	100%	100%		100%	100%	94.44%	a b c d e
MR-3	Line Sharing, %	ND	70.00%	97.41%	77.78%	99.04%	100%	96.53%	92.31%	97.93%	100%	95.21%	a b c e
MR-3	Line Sharing, %	D	75.00%	87.53%	62.50%	91.54%	100%	84.74%	100%	86.03%	75.00%	84.71%	a b c d e
MR-3	PBX, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
MR-3	PBX, %	D		91.67%	66.67%	87.50%	100%	97.67%	100%	94.12%		89.29%	a b c d e
MR-3	Qwest DSL, %			83.70%		94.23%	100%	91.14%		93.60%		88.16%	a b c d e
MR-3	Residence, %	ND	100%	97.26%	100%	98.97%	100%	96.38%	75.00%	97.82%	100%	95.00%	b c d e
MR-3	Residence, %	D	90.63%	87.42%	94.92%	91.38%	96.67%	84.30%	90.28%	85.47%	95.59%	84.11%	
MR-3	UBL - 2-wire, %		88.89%	97.14%	100%	100%	100%	100%	100%	100%	100%	100%	a
MR-3	UBL - ADSL Qualified, %		100%	83.70%	100%	94.23%	100%	91.14%	100%	93.60%	100%	88.16%	a b c e
MR-3	UBL - Analog, %		100%	89.36%	100%	92.96%	100%	86.57%	100%	87.63%	100%	86.13%	
MR-3	UBL - ISDN Capable, %		100%	97.14%	100%	100%	92.31%	100%	100%	100%	100%	100%	d
MR-3	UNE-P, POTS, %	ND	100%	97.41%	100%	99.04%	100%	96.53%	100%	97.93%	100%	95.21%	
MR-3	UNE-P, POTS, %	D	91.67%	87.53%	98.41%	91.54%	89.39%	84.74%	98.53%	86.03%	98.67%	84.71%	
MR-3	UNE-P, Centrex, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	93.33%	94.44%	b
MR-3	UNE-P, Centrex, %	D	90.63%	83.33%	97.87%	91.89%	96.67%	88.10%	96.00%	87.88%	97.73%	86.49%	
MR-3	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	94.12%		100%	a b c d e
MR-3	UNE-P, Centrex 21, %	D	66.67%	87.64%	100%	92.55%	100%	93.67%	100%	87.95%	100%	87.39%	a b c d e
MR-4	**All Troubles Cleared within 48 Hours**												
MR-4	Basic Rate ISDN, %	ND		100%		100%		100%	100%	100%	100%	100%	a b c d e
MR-4	Basic Rate ISDN, %	D		100%		100%	100%	100%		100%		100%	a b c d e
MR-4	Business, %	ND	100%	99.73%	100%	100%	100%	99.40%	100%	99.63%	100%	99.36%	
MR-4	Business, %	D	100%	97.44%	97.83%	97.38%	97.83%	98.32%	100%	98.08%	100%	96.81%	
MR-4	Centrex 21, %	ND	100%	100%		100%	100%	100%	100%	97.50%		100%	a b c d e
MR-4	Centrex 21, %	D		95.65%		98.20%		97.96%		98.08%	100%	95.89%	a b c d e
MR-4	Centrex, %	ND		100%	100%	96.43%	100%	100%	100%	100%	100%	96.77%	a b c d e
MR-4	Centrex, %	D		92.11%	100%	95.92%		92.45%	100%	97.44%	100%	95.12%	a b c e
MR-4	Line Sharing, %	ND	90.00%	99.41%	100%	99.84%	100%	99.65%	100%	99.41%	100%	99.51%	a b c e
MR-4	Line Sharing, %	D	100%	97.88%	87.50%	98.32%	100%	97.42%	100%	97.01%	75.00%	96.78%	a b c d e
MR-4	PBX, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
MR-4	PBX, %	D		96.43%	66.67%	89.47%	100%	97.73%	100%	97.30%		100%	a b c d e
MR-4	Qwest DSL, %			93.38%		98.09%	100%	95.38%		98.26%		93.51%	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-4	Residence, %	D	94.52%	97.93%	98.55%	98.44%	98.61%	97.32%	96.70%	96.89%	98.88%	96.78%	
MR-4	Residence, %	ND	100%	99.36%	100%	99.81%	100%	99.69%	94.12%	99.39%	100%	99.54%	
MR-4	UBL - 2-wire, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a
MR-4	UBL - ADSL Qualified, %		100%	93.38%	100%	98.09%	100%	95.38%	100%	98.26%	100%	93.51%	a b c e
MR-4	UBL - Analog, %		100%	98.28%	100%	98.73%	100%	97.92%	100%	97.47%	100%	97.29%	
MR-4	UBL - ISDN Capable, %		100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	d
MR-4	UNE-P, POTS, %	ND	100%	99.41%	98.36%	99.84%	100%	99.65%	100%	99.41%	100%	99.51%	
MR-4	UNE-P, POTS, %	D	97.53%	97.88%	100%	98.32%	100%	97.42%	98.89%	97.01%	98.97%	96.78%	
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	96.43%	100%	100%	100%	100%	100%	96.77%	
MR-4	UNE-P, Centrex, %	D	100%	92.11%	96.43%	95.92%	95.00%	92.45%	100%	97.44%	100%	95.12%	
MR-4	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	97.50%		100%	a b c d e
MR-4	UNE-P, Centrex 21, %	D	100%	95.65%	100%	98.20%	100%	97.96%	100%	98.08%	100%	95.89%	a b c d e
MR-5	**All Troubles Cleared within 4 Hours**												
MR-5	DS0, %		100%	84.72%	83.33%	80.94%	80.00%	87.40%	33.33%	85.29%	100%	83.49%	a b c d e
MR-5	DS1, %		88.89%	77.02%	88.89%	86.64%	72.73%	81.31%	100%	77.27%	100%	84.59%	a b d e
MR-5	DS3, %			75.00%		80.00%		72.73%		100%		88.89%	a b c d e
MR-5	E911, %				100%	100%	100%		100%		100%		a b c d e
MR-5	EELs, %		57.14%		85.71%		66.67%		75.00%		90.00%		a b c d e
MR-5	Frame Relay, %			90.74%		86.17%		85.71%		82.42%		88.24%	a b c d e
MR-5	ISDN Primary, %		100%	92.31%	100%	100%	100%	92.31%	0%	100%	100%	93.75%	a b c d e
MR-5	LIS Trunk, %		100%	90.91%	66.67%	87.50%	90.91%	66.67%	100%	100%	100%	100%	b d e
MR-5	UBL - 4-wire, %			77.02%		86.64%		81.31%		77.27%		84.59%	a b c d e
MR-5	UBL - DS1 Capable, %		75.61%	77.02%	76.47%	86.64%	81.48%	81.31%	70.83%	77.27%	65.12%	84.59%	
MR-5	UBL - DS3 Capable, %			75.00%		80.00%		72.73%		100%		88.89%	a b c d e
MR-5	UDIT Above DS1 Level, %			75.00%		80.00%	100%	72.73%		100%		88.89%	a b c d e
MR-5	UDIT DS1, %		100%	77.02%	100%	86.64%		81.31%		77.27%	100%	84.59%	a b c d e
MR-6	**Mean Time to Restore**												
MR-6	Basic Rate ISDN, Hrs:Min	ND		1:35		1:15		1:29	2:53	1:17	3:15	1:32	a b c d e
MR-6	Basic Rate ISDN, Hrs:Min	D		7:50		5:46	0:58	3:34		4:49		7:10	a b c d e
MR-6	Business, Hrs:Min	ND	3:19	3:56	1:18	3:21	1:48	3:49	3:12	2:48	3:32	4:29	
MR-6	Business, Hrs:Min	D	11:09	12:38	11:03	11:46	10:23	12:55	7:14	11:44	8:25	13:58	
MR-6	Centrex 21, Hrs:Min	ND	2:09	4:23		2:33	2:58	4:12	2:29	3:38		2:16	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-6	Centrex 21, Hrs:Min	D		14:32		10:31		9:24		10:28	6:02	13:03	a b c d e
MR-6	Centrex, Hrs:Min	ND		4:01	5:28	5:56	1:13	4:11	0:02	2:59	12:58	6:37	a b c d e
MR-6	Centrex, Hrs:Min	D		13:59	12:12	12:26		13:34	17:51	12:24	3:19	13:01	a b c e
MR-6	Dark Fiber - Loop, Hrs:Min								0:02				a b c d e
MR-6	DS0, Hrs:Min		1:36	2:41	1:48	3:06	2:29	2:22	4:10	2:10	0:56	2:20	a b c d e
MR-6	DS1, Hrs:Min		3:03	3:13	1:45	2:13	7:48	2:41	1:21	2:58	0:55	2:32	a b d e
MR-6	DS3, Hrs:Min			4:17		1:59		3:02		1:00		1:48	a b c d e
MR-6	E911, Hrs:Min				1:29	0:01	0:05		3:15		1:40		a b c d e
MR-6	EELs, Hrs:Min		4:48		2:38		3:25		5:02		2:37		a b c d e
MR-6	Frame Relay, Hrs:Min			2:26		2:11		2:40		2:28		2:03	a b c d e
MR-6	ISDN Primary, Hrs:Min		0:54	2:18	0:50	0:39	1:15	1:36	4:17	1:08	0:42	1:08	a b c d e
MR-6	Line Sharing, Hrs:Min	ND	1:09	6:15	8:22	4:55	2:12	4:57	7:09	5:08	2:22	6:40	a b c e
MR-6	Line Sharing, Hrs:Min	D	14:12	15:34	22:38	15:16	10:57	16:15	8:53	16:16	21:31	17:25	a b c d e
MR-6	LIS Trunk, Hrs:Min		1:41	1:37	6:46	1:22	1:38	3:47	1:12	0:51	1:15	1:16	b d e
MR-6	PBX, Hrs:Min	ND	1:27	2:00	0:40	1:37	2:53	1:58	1:13	0:59	1:05	2:51	a b c d e
MR-6	PBX, Hrs:Min	D		9:52	23:48	22:11	2:45	6:35	14:54	8:11		8:00	a b c d e
MR-6	Qwest DSL, Hrs:Min			13:29		6:03	0:17	10:11		6:12		11:20	a b c d e
MR-6	Residence, Hrs:Min	ND	4:46	6:36	4:09	5:11	3:18	5:07	5:53	5:26	5:19	6:58	
MR-6	Residence, Hrs:Min	D	14:08	15:57	13:34	15:44	11:13	16:38	13:40	16:46	12:00	17:49	
MR-6	UBL - 2-wire, Hrs:Min		4:19	4:32	3:07	3:08	3:06	2:13	1:44	2:35	2:31	3:06	a
MR-6	UBL - 4-wire, Hrs:Min			3:13		2:13		2:41		2:58		2:32	a b c d e
MR-6	UBL - ADSL Qualified, Hrs:Min		2:14	13:29	3:18	6:03	2:49	10:11	4:08	6:12	3:00	11:20	a b c e
MR-6	UBL - DS1 Capable, Hrs:Min		2:59	3:13	2:57	2:13	2:33	2:41	3:30	2:58	3:41	2:32	
MR-6	UBL - DS3 Capable, Hrs:Min			4:17		1:59		3:02		1:00		1:48	a b c d e
MR-6	UBL Analog, Hrs:Min		2:52	13:07	2:49	12:28	3:20	13:43	3:48	14:08	3:28	15:24	
MR-6	UBL ISDN Capable, Hrs:Min		3:00	4:32	3:21	3:08	3:41	2:13	2:21	2:35	2:02	3:06	d
MR-6	UDIT Above DS1 Level, Hrs:Min			4:17		1:59	1:00	3:02		1:00		1:48	a b c d e
MR-6	UDIT DS1, Hrs:Min		1:20	3:13	0:26	2:13		2:41		2:58	0:04	2:32	a b c d e
MR-6	UNE-P, POTS, Hrs:Min	ND	2:50	6:15	3:29	4:55	2:33	4:57	1:31	5:08	3:08	6:40	
MR-6	UNE-P, POTS, Hrs:Min	D	10:41	15:34	8:39	15:16	9:48	16:15	8:26	16:16	10:30	17:25	
MR-6	UNE-P, Centrex, Hrs:Min	ND	2:23	4:01	2:14	5:56	3:10	4:11	1:37	2:59	4:09	6:37	
MR-6	UNE-P, Centrex, Hrs:Min	D	13:02	13:59	10:51	12:26	10:56	13:34	7:54	12:24	7:04	13:01	

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	8:29	4:23	0:58	2:33	7:07	4:12	2:02	3:38		2:16	a b c d e
MR-6	UNE-P, Centrex 21, Hrs:Min	D	15:06	14:32	9:06	10:31	10:41	9:24	3:00	10:28	8:35	13:03	a b c d e
MR-7	**Repair Repeat Report Rate**												
MR-7	Basic Rate ISDN, %	ND		32.43%		22.86%		16.07%	0%	21.31%	100%	14.04%	a b c d e
MR-7	Basic Rate ISDN, %	D		18.18%		16.00%	0%	22.58%		8.33%		4.55%	a b c d e
MR-7	Business, %	D	14.29%	13.05%	21.28%	12.86%	14.89%	8.76%	18.75%	10.30%	18.52%	11.69%	
MR-7	Business, %	ND	15.15%	8.33%	11.43%	10.18%	17.95%	9.64%	4.55%	10.11%	5.45%	8.25%	
MR-7	Centrex 21, %	ND	0%	14.49%		18.60%	0%	9.80%	0%	5.00%		21.74%	a b c d e
MR-7	Centrex 21, %	D		10.08%		10.43%		12.75%		10.38%	0%	13.91%	a b c d e
MR-7	Centrex, %	ND		9.68%	0%	7.14%	0%	19.44%	0%	8.82%	50.00%	9.68%	a b c d e
MR-7	Centrex, %	D		7.50%	0%	6.00%		7.41%	7.69%	7.50%	0%	15.91%	a b c e
MR-7	Dark Fiber - Loop, %								0%				a b c d e
MR-7	DS0, %		0%	19.44%	33.33%	16.39%	40.00%	16.16%	0%	12.35%	0%	12.38%	a b c d e
MR-7	DS1, %		11.11%	24.54%	11.11%	24.19%	18.18%	15.73%	28.57%	9.09%	0%	15.12%	a b d e
MR-7	DS3, %			0%		20.00%		18.18%		0%		11.11%	a b c d e
MR-7	E911, %				0%	0%	0%		0%		0%		a b c d e
MR-7	EELs, %		42.86%		14.29%		33.33%		0%		20.00%		a b c d e
MR-7	Frame Relay, %			12.96%		19.15%		18.37%		8.79%		9.41%	a b c d e
MR-7	ISDN Primary, %		0%	0%	16.67%	11.11%	0%	0%	0%	0%	0%	25.00%	a b c d e
MR-7	Line Sharing, %	ND	30.00%	31.00%	30.00%	31.85%	16.67%	15.38%	30.77%	21.13%	57.14%	5.93%	a b c e
MR-7	Line Sharing, %	D	25.00%	34.72%	37.50%	36.36%	0%	27.54%	60.00%	16.67%	42.86%	16.67%	a b c d e
MR-7	LIS Trunk, %		23.53%	27.27%	0%	37.50%	9.09%	0%	0%	33.33%	25.00%	0%	b d e
MR-7	PBX, %	D		17.86%	0%	0%	50.00%	2.27%	0%	10.81%		6.67%	a b c d e
MR-7	PBX, %	ND	16.67%	11.32%	0%	17.02%	0%	6.25%	0%	10.71%	28.57%	8.33%	a b c d e
MR-7	Qwest DSL, %			31.99%		32.48%	0%	18.91%		20.35%		8.44%	a b c d e
MR-7	Residence, %	ND	37.04%	11.31%	7.69%	12.27%	15.79%	10.86%	11.76%	10.98%	8.33%	9.44%	
MR-7	Residence, %	D	12.16%	12.72%	12.86%	11.92%	6.85%	9.83%	13.04%	11.96%	14.29%	11.50%	
MR-7	UBL - 2-wire, %		0%	25.71%	16.67%	20.00%	0%	18.39%	0%	16.49%	16.00%	11.39%	a
MR-7	UBL - 4-wire, %			24.54%		24.19%		15.73%		9.09%		15.12%	a b c d e
MR-7	UBL - ADSL Qualified, %		12.50%	31.99%	11.11%	32.48%	0%	18.91%	18.18%	20.35%	0%	8.44%	a b c e
MR-7	UBL - DS1 Capable, %		21.95%	24.54%	32.35%	24.19%	3.70%	15.73%	6.25%	9.09%	9.30%	15.12%	
MR-7	UBL - DS3 Capable, %			0%		20.00%		18.18%		0%		11.11%	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7	UBL - Analog, %		9.42%	12.29%	11.59%	12.01%	7.80%	9.93%	6.42%	11.62%	10.31%	11.11%	
MR-7	UBL - ISDN Capable, %		22.73%	25.71%	28.57%	20.00%	15.38%	18.39%	10.00%	16.49%	16.67%	11.39%	d
MR-7	UDIT Above DS1 Level, %			0%		20.00%	0%	18.18%		0%		11.11%	a b c d e
MR-7	UDIT DS1, %		0%	24.54%	0%	24.19%		15.73%		9.09%	0%	15.12%	a b c d e
MR-7	UNE-P, POTS, %	ND	14.86%	10.92%	19.67%	11.96%	18.03%	10.71%	17.54%	10.88%	13.33%	9.29%	
MR-7	UNE-P, POTS, %	D	12.35%	12.76%	11.11%	12.03%	13.98%	9.72%	12.77%	11.80%	11.88%	11.52%	
MR-7	UNE-P, Centrex, %	D	11.36%	7.50%	23.73%	6.00%	11.90%	7.41%	19.05%	7.50%	16.13%	15.91%	
MR-7	UNE-P, Centrex, %	ND	13.73%	9.68%	16.67%	7.14%	21.88%	19.44%	5.00%	8.82%	6.67%	9.68%	
MR-7	UNE-P, Centrex 21, %	ND	66.67%	14.49%	0%	18.60%	33.33%	9.80%	0%	5.00%		21.74%	a b c d e
MR-7	UNE-P, Centrex 21, %	D	20.00%	10.08%	40.00%	10.43%	0%	12.75%	0%	10.38%	0%	13.91%	a b c d e
MR-7*	Basic Rate ISDN, %	ND		54.55%		20.00%		15.38%	0%	20.83%			a b c d e
MR-7*	Basic Rate ISDN, %	D		19.23%		17.65%		29.17%		10.34%			a b c d e
MR-7*	Business, %	ND	14.29%	7.62%	5.26%	12.22%	18.52%	10.29%	6.67%	9.15%			e
MR-7*	Business, %	D	13.51%	13.25%	22.22%	12.51%	14.63%	8.65%	17.78%	10.00%			e
MR-7*	Centrex 21, %	ND	0%	15.63%		23.81%	0%	13.33%		0%			a b c d e
MR-7*	Centrex 21, %	D		10.10%		10.00%		11.25%		10.99%			a b c d e
MR-7*	Centrex, %	ND		7.14%	0%	15.38%	0%	16.67%		10.00%			a b c d e
MR-7*	Centrex, %	D		8.57%	0%	4.65%		2.78%	20.00%	9.38%			a b c d e
MR-7*	DS0, %		0%	19.35%	33.33%	16.43%	44.44%	15.38%	0%	10.53%			a b c d e
MR-7*	DS1, %		11.11%	26.29%	0%	28.30%	0%	18.36%	25.00%	11.27%			a b c d e
MR-7*	DS3, %			0%		25.00%		33.33%		0%			a b c d e
MR-7*	E911, %				0%	0%	0%		0%				a b c d e
MR-7*	EELs, %		50.00%		25.00%		25.00%		0%				a b c d e
MR-7*	Frame Relay, %			13.85%		19.64%		14.29%		11.76%			a b c d e
MR-7*	ISDN Primary, %		0%	0%	25.00%	20.00%	0%	0%		0%			a b c d e
MR-7*	Line Sharing, %	ND		34.78%	50.00%	32.20%	33.33%	20.39%	16.67%	26.32%			a b c d e
MR-7*	Line Sharing, %	D		38.89%	25.00%	41.67%	0%	34.21%	60.00%	7.69%			a b c d e
MR-7*	LIS Trunk, %		23.08%	28.57%	0%	33.33%	16.67%	0%	0%	0%			b c d e
MR-7*	PBX, %	ND	0%	10.71%	0%	14.29%	0%	3.45%	0%	0%			a b c d e
MR-7*	PBX, %	D		17.39%	0%	0%	50.00%	2.70%		8.00%			a b c d e
MR-7*	Qwest DSL, %			35.94%		33.80%		24.11%		23.60%			a b c d e
MR-7*	Residence, %	ND	40.00%	12.28%	0%	15.18%	0%	10.69%	0%	11.76%			c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7*	Residence, %	D	12.12%	12.63%	12.90%	11.72%	5.71%	9.65%	14.12%	11.68%			e
MR-7*	UBL - 2-wire, %		0%	29.73%	22.22%	18.52%	0%	22.00%	0%	15.09%			a b e
MR-7*	UBL - 4-wire, %			26.29%		28.30%		18.36%		11.27%			a b c d e
MR-7*	UBL - ADSL Qualified, %		20.00%	35.94%	14.29%	33.80%	0%	24.11%	18.18%	23.60%			a b c e
MR-7*	UBL - DS1 Capable, %		18.18%	26.29%	36.00%	28.30%	4.76%	18.36%	4.88%	11.27%			e
MR-7*	UBL - DS3 Capable, %			0%		25.00%		33.33%		0%			a b c d e
MR-7*	UBL - Analog, %		9.03%	12.53%	12.90%	12.18%	7.87%	9.66%	6.42%	11.51%			e
MR-7*	UBL - ISDN Capable, %		14.29%	29.73%	21.43%	18.52%	20.00%	22.00%	11.11%	15.09%			c d e
MR-7*	UDIT Above DS1 Level, %			0%		25.00%	0%	33.33%		0%			a b c d e
MR-7*	UDIT DS1, %		0%	26.29%	0%	28.30%		18.36%		11.27%			a b c d e
MR-7*	UNE-P, POTS, %	ND	11.90%	11.45%	18.92%	14.63%	18.75%	10.62%	16.67%	11.36%			e
MR-7*	UNE-P, POTS, %	D	12.16%	12.70%	12.68%	11.81%	15.00%	9.55%	11.11%	11.52%			e
MR-7*	UNE-P, Centrex, %	ND	10.00%	7.14%	11.11%	15.38%	25.00%	16.67%	4.76%	10.00%			e
MR-7*	UNE-P, Centrex, %	D	13.16%	8.57%	23.08%	4.65%	13.51%	2.78%	20.34%	9.38%			e
MR-7*	UNE-P, Centrex 21, %	ND	100%	15.63%	0%	23.81%	33.33%	13.33%	0%	0%			a b c d e
MR-7*	UNE-P, Centrex 21, %	D	20.00%	10.10%	50.00%	10.00%	0%	11.25%	0%	10.99%			a b c d e
MR-8	**Trouble Rate**												
MR-8	Basic Rate ISDN, %		0%	0.77%	0%	0.67%	1.01%	0.99%	0.98%	1.10%	1.30%	0.89%	
MR-8	Business, %		0.90%	0.64%	0.90%	0.71%	0.88%	0.64%	0.67%	0.63%	0.99%	0.73%	
MR-8	Centrex 21, %		1.04%	0.56%	0%	0.47%	0.45%	0.46%	0.43%	0.44%	0.40%	0.66%	
MR-8	Centrex, %		0%	0.25%	0.77%	0.28%	0.17%	0.34%	2.47%	0.32%	0.71%	0.34%	
MR-8	Dark Fiber - IOF, %		0%		0%		0%		0%		0%		
MR-8	Dark Fiber - Loop, %		0%		0%		0%		9.09%		0%		a b
MR-8	DS0, %		0.83%	0.54%	0.62%	0.44%	1.03%	0.53%	0.31%	0.50%	0.41%	0.46%	
MR-8	DS1, %		5.66%	1.44%	5.29%	1.03%	6.55%	1.25%	4.00%	1.14%	1.11%	1.28%	
MR-8	DS3, %			0.24%	0%	0.87%		0.64%		0.23%		0.51%	a b c d e
MR-8	E911, %		0%	0%	0.79%	0.28%	0.39%	0%	0.39%	0%	0.39%	0%	
MR-8	EELs, %		1.55%		1.49%		1.86%		0.81%		1.97%		
MR-8	Frame Relay, %		0%	1.11%	0%	0.98%	0%	1.01%	0%	0.95%	0%	0.89%	a b c d e
MR-8	ISDN Primary, %		0.55%	0.02%	1.10%	0.01%	0.69%	0.02%	0.16%	0.01%	0.47%	0.03%	
MR-8	Line Sharing, %		1.07%	0.99%	1.32%	1.04%	0.55%	1.06%	1.19%	1.13%	0.86%	1.21%	
MR-8	LIS Trunk, %		0.02%	0.01%	0%	0.01%	0.01%	0%	0.01%	0%	0%	0.01%	

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8	PBX, %		0.24%	0.16%	0.23%	0.13%	0.39%	0.17%	0.20%	0.12%	0.27%	0.15%	
MR-8	Qwest DSL, %		0%	2.12%	0%	1.26%	7.69%	1.96%	0%	1.45%	0%	1.34%	
MR-8	Residence, %		1.20%	1.07%	1.11%	1.11%	1.05%	1.15%	1.23%	1.24%	1.29%	1.32%	
MR-8	UBL - 2-wire, %		0.26%	0.77%	0.34%	0.67%	0.57%	0.99%	0.45%	1.10%	0.69%	0.89%	
MR-8	UBL - 4-wire, %		0%	1.44%	0%	1.03%	0%	1.25%	0%	1.14%	0%	1.28%	a b c d e
MR-8	UBL - ADSL Qualified, %		0.76%	2.12%	0.88%	1.26%	0.89%	1.96%	1.11%	1.45%	0.31%	1.34%	
MR-8	UBL - DS1 Capable, %		2.00%	1.44%	1.63%	1.03%	1.27%	1.25%	2.19%	1.14%	1.93%	1.28%	
MR-8	UBL - DS3 Capable, %			0.24%		0.87%		0.64%		0.23%		0.51%	a b c d e
MR-8	UBL - Analog, %		0.43%	0.99%	0.31%	1.04%	0.46%	1.06%	0.48%	1.13%	0.56%	1.21%	
MR-8	UBL - ISDN Capable, %		1.52%	0.77%	1.47%	0.67%	0.91%	0.99%	0.70%	1.10%	1.27%	0.89%	
MR-8	UDIT Above DS1 Level, %		0%	0.24%	0%	0.87%	3.13%	0.64%	0%	0.23%	0%	0.51%	
MR-8	UDIT DS1, %		1.10%	1.44%	0.55%	1.03%	0%	1.25%	0%	1.14%	0.59%	1.28%	
MR-8	UNE-P, POTS, %		0.81%	0.99%	0.73%	1.04%	0.77%	1.06%	0.76%	1.13%	0.80%	1.21%	
MR-8	UNE-P, Centrex, %		1.21%	0.25%	0.64%	0.28%	0.45%	0.34%	0.64%	0.32%	0.58%	0.34%	
MR-8	UNE-P, Centrex 21, %		0.95%	0.56%	0.94%	0.47%	0.60%	0.46%	0.47%	0.44%	0.11%	0.66%	
MR-8*	Basic Rate ISDN, %		0%	0.41%	0%	0.30%	0%	0.57%	0.98%	0.60%			e
MR-8*	Business, %		0.70%	0.50%	0.60%	0.54%	0.70%	0.51%	0.58%	0.52%			e
MR-8*	Centrex 21, %		1.04%	0.39%	0%	0.33%	0.45%	0.33%	0%	0.32%			e
MR-8*	Centrex, %		0%	0.17%	0.61%	0.20%	0.17%	0.23%	0.88%	0.22%			e
MR-8*	Dark Fiber - IOF, %		0%		0%		0%		0%				e
MR-8*	Dark Fiber - Loop, %		0%		0%		0%		0%				a b e
MR-8*	DS0, %		0.52%	0.37%	0.62%	0.31%	0.93%	0.32%	0.21%	0.34%			e
MR-8*	DS1, %		5.66%	0.94%	2.35%	0.59%	3.57%	0.77%	2.29%	0.79%			e
MR-8*	DS3, %			0.18%	0%	0.46%		0.35%		0.17%			a b c d e
MR-8*	E911, %		0%	0%	0.39%	0.28%	0.39%	0%	0.39%	0%			e
MR-8*	EELs, %		0.88%		0.85%		1.65%		0.61%				e
MR-8*	Frame Relay, %		0%	0.67%	0%	0.58%	0%	0.65%	0%	0.53%			a b c d e
MR-8*	ISDN Primary, %		0.37%	0.01%	0.73%	0.01%	0.34%	0%	0%	0.01%			e
MR-8*	Line Sharing, %		0%	0.78%	0.59%	0.80%	0.35%	0.85%	0.73%	0.94%			e
MR-8*	LIS Trunk, %		0.01%	0.01%	0%	0.01%	0.01%	0%	0.01%	0%			e
MR-8*	PBX, %		0.16%	0.10%	0.16%	0.06%	0.31%	0.12%	0.08%	0.06%			e
MR-8*	Qwest DSL, %		0%	1.00%	0%	0.57%	0%	1.16%	0%	0.75%			e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8*	Residence, %		0.96%	0.84%	0.87%	0.86%	0.87%	0.93%	1.04%	1.04%			e
MR-8*	UBL - 2-wire, %		0.21%	0.41%	0.26%	0.30%	0.45%	0.57%	0.34%	0.60%			e
MR-8*	UBL - 4-wire, %		0%	0.94%	0%	0.59%	0%	0.77%	0%	0.79%			a b c d e
MR-8*	UBL - ADSL Qualified, %		0.47%	1.00%	0.68%	0.57%	0.69%	1.16%	1.11%	0.75%			e
MR-8*	UBL - DS1 Capable, %		1.61%	0.94%	1.20%	0.59%	0.99%	0.77%	1.87%	0.79%			e
MR-8*	UBL - DS3 Capable, %			0.18%		0.46%		0.35%		0.17%			a b c d e
MR-8*	UBL - Analog, %		0.32%	0.78%	0.28%	0.80%	0.40%	0.85%	0.41%	0.94%			e
MR-8*	UBL - ISDN Capable, %		0.97%	0.41%	0.98%	0.30%	0.70%	0.57%	0.63%	0.60%			e
MR-8*	UDIT Above DS1 Level, %		0%	0.18%	0%	0.46%	2.08%	0.35%	0%	0.17%			e
MR-8*	UDIT DS1, %		1.10%	0.94%	0.55%	0.59%	0%	0.77%	0%	0.79%			e
MR-8*	UNE-P, POTS, %		0.61%	0.78%	0.56%	0.80%	0.56%	0.85%	0.62%	0.94%			e
MR-8*	UNE-P, Centrex, %		0.87%	0.17%	0.47%	0.20%	0.33%	0.23%	0.50%	0.22%			e
MR-8*	UNE-P, Centrex 21, %		0.83%	0.39%	0.59%	0.33%	0.48%	0.33%	0.24%	0.32%			e
MR-9	**Repair Appointments Met**												
MR-9	Basic Rate ISDN, %	ND						100%					a b c d e
MR-9	Basic Rate ISDN, %	D								100%			a b c d e
MR-9	Business, %	ND	96.97%	98.39%	100%	98.89%	97.44%	97.29%	100%	99.25%	96.36%	97.14%	
MR-9	Business, %	D	90.48%	86.74%	89.36%	87.54%	89.36%	86.08%	91.67%	85.84%	88.89%	82.72%	
MR-9	Centrex 21, %	ND	100%	97.10%		100%	100%	98.04%	100%	97.50%		98.55%	a b c d e
MR-9	Centrex 21, %	D		73.95%		80.87%		83.33%		81.13%	100%	74.17%	a b c d e
MR-9	Centrex, %	ND		96.55%	100%	92.86%	100%	90.63%	100%	95.45%	100%	86.67%	a b c d e
MR-9	Centrex, %	D		57.89%	50.00%	68.00%		66.00%	38.46%	56.41%	50.00%	48.84%	a b c e
MR-9	PBX, %	ND	100%	100%	100%	94.44%	100%	100%		100%		100%	a b c d e
MR-9	PBX, %	D		76.92%	100%	85.71%	100%	77.78%	100%	70.59%		68.42%	a b c d e
MR-9	Residence, %	ND	100%	98.48%	100%	99.39%	100%	98.94%	94.12%	98.54%	100%	96.85%	
MR-9	Residence, %	D	98.65%	93.80%	97.14%	94.05%	98.63%	91.56%	95.65%	89.97%	93.41%	90.58%	
MR-9	UNE-P, POTS, %	ND	94.59%	98.47%	96.72%	99.32%	98.36%	98.72%	96.49%	98.62%	95.00%	96.89%	
MR-9	UNE-P, POTS, %	D	87.65%	92.99%	88.89%	93.29%	88.17%	90.98%	92.55%	89.56%	87.13%	89.77%	
MR-10	**Customer and Non-Qwest Related Trouble Reports**												
MR-10	Basic Rate ISDN, %			30.69%		33.33%	50.00%	25.64%	0%	24.22%	0%	31.90%	a b c d e
MR-10	Business, %		36.44%	35.90%	29.31%	36.97%	28.33%	35.74%	37.50%	36.47%	23.24%	37.54%	
MR-10	Centrex 21, %		0%	29.06%		36.29%	0%	30.14%	0%	33.64%	50.00%	26.67%	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-10	Centrex, %		100%	33.02%	28.57%	32.76%	0%	35.71%	6.67%	29.52%	0%	32.43%	a b c e
MR-10	DS0, %		0%	31.56%	0%	23.53%	0%	27.29%	40.00%	30.75%	33.33%	33.96%	a b c d e
MR-10	DS1, %		10.00%	22.47%	0%	20.40%	8.33%	21.45%	22.22%	24.14%	33.33%	22.52%	a b d e
MR-10	DS3, %			50.00%		16.67%		15.38%		33.33%		35.71%	a b c d e
MR-10	E911, %			100%	0%	0%	0%		50.00%		0%		a b c d e
MR-10	Frame Relay, %			23.40%		15.32%		25.19%		29.46%		27.97%	a b c d e
MR-10	ISDN Primary, %		0%	7.14%	33.33%	35.71%	20.00%	23.53%	0%	46.15%	40.00%	23.81%	a b c d e
MR-10	LIS Trunk, %		22.73%	31.25%	0%	20.00%	38.89%	57.14%	43.75%	62.50%	60.00%	50.00%	b e
MR-10	PBX, %		14.29%	27.68%	33.33%	42.61%	9.09%	29.77%	44.44%	35.00%	22.22%	21.21%	a b d e
MR-10	Qwest DSL, %			47.99%		55.14%	0%	52.96%		57.00%		66.30%	a b c d e
MR-10	Residence, %		29.37%	35.62%	37.25%	38.89%	34.75%	39.58%	35.50%	40.07%	33.53%	39.63%	
MR-10	UBL - 2-wire, %		40.00%	30.69%	33.33%	33.33%	25.93%	25.64%	27.27%	24.22%	19.35%	31.90%	
MR-10	UBL - 4-wire, %			22.47%		20.40%		21.45%		24.14%		22.52%	a b c d e
MR-10	UBL - ADSL Qualified, %		0%	47.99%	25.00%	55.14%	18.18%	52.96%	15.38%	57.00%	40.00%	66.30%	a e
MR-10	UBL - DS1 Capable, %		4.65%	22.47%	8.11%	20.40%	10.00%	21.45%	14.29%	24.14%	14.00%	22.52%	
MR-10	UBL - DS3 Capable, %			50.00%		16.67%		15.38%		33.33%		35.71%	a b c d e
MR-10	UBL - Analog, %		28.46%	35.66%	33.33%	38.66%	30.27%	39.18%	31.23%	39.73%	23.17%	39.41%	
MR-10	UBL - ISDN Capable, %		8.33%	30.69%	22.22%	33.33%	7.14%	25.64%	28.57%	24.22%	10.00%	31.90%	
MR-10	UDIT Above DS1 Level, %		100%	50.00%		16.67%	0%	15.38%		33.33%		35.71%	a b c d e
MR-10	UDIT DS1, %		0%	22.47%	0%	20.40%		21.45%		24.14%	0%	22.52%	a b c d e
MR-10	UNE-P, POTS, %		25.84%	35.66%	36.04%	38.66%	30.94%	39.18%	32.89%	39.73%	27.48%	39.41%	
MR-10	UNE-P, Centrex, %		34.93%	33.02%	26.71%	32.76%	30.19%	35.71%	27.46%	29.52%	32.35%	32.43%	
MR-10	UNE-P, Centrex 21, %		27.27%	29.06%	50.00%	36.29%	16.67%	30.14%	55.56%	33.64%	83.33%	26.67%	c d e
MR-11	**LNP Trouble Reports Cleared**												
MR-11A	within 4 Hrs, LNP, %			55.11%		63.66%		65.46%	100%	62.93%	100%	50.41%	a b c d e
MR-11B	within 48 Hrs Volumes 0-20, LNP, Days			0.99		1.00	1.00	1.00	1.00	0.99	1.00	1.00	a b c d e
NETWORK PERFORMANCE													
NI-1	**Trunk Blocking**												
NI-1A	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0%	0%	0%	0.04%	0%	0%	0%	0%	0%	0%	
NI-1B	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	0.10%	0%	0%	0%	0%	0%	0.02%	0%	
NI-1C	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0.10%	0%	0.37%	0.04%	1.30%	0%	0.74%	0%	0.06%	0%	
NI-1D	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	0.34%	0%	0%	0%	0%	0%	0.02%	0%	

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
NP-1	**NXX Code Activation**												
NP-1A	All, %				100%				100%		100%		a b c d e
NP-1B	Facility Delays, All, %				0%				0%		0%		a b c d e
ORDER ACCURACY													
OA-1	All, %		99.40%		99.58%		99.74%		99.96%		99.57%		
ORDERING AND PROVISIONING													
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**												
OP-2	All, %		97.82%	82.25%	97.62%	86.07%	98.19%	77.80%	98.92%	84.04%	98.17%	75.49%	
OP-3	**Installation Commitments Met**												
OP-3	Basic Rate ISDN, %	ND				100%							a b c d e
OP-3	Basic Rate ISDN, %	D						50.00%		100%		100%	a b c d e
OP-3	Basic Rate ISDN, %			95.60%	100%	94.50%	100%	92.66%		80.30%		85.58%	a b c d e
OP-3	Business, %	ND	100%	99.52%	100%	98.43%	97.40%	98.78%	100%	99.05%	100%	98.87%	
OP-3	Business, %	D	92.86%	93.25%	100%	93.19%	100%	94.09%	92.86%	93.21%	92.31%	94.81%	
OP-3	Centrex 21, %	ND	100%	100%	100%	100%		100%		97.87%		97.56%	a b c d e
OP-3	Centrex 21, %	D		92.31%		96.55%		88.16%		97.87%		91.43%	a b c d e
OP-3	Centrex, %	ND		85.71%		100%		100%		100%		100%	a b c d e
OP-3	Centrex, %	D		90.64%		97.50%		88.04%		98.55%		95.00%	a b c d e
OP-3	Dark Fiber - IOF, %		100%										a b c d e
OP-3	Dark Fiber - Loop, %						100%						a b c d e
OP-3	DS0, %	ND				100%			100%				a b c d e
OP-3	DS0, %	D				100%				0%			a b c d e
OP-3	DS0, %		100%	42.31%	0%	77.78%	100%	80.00%		100%	100%	81.25%	a b c d e
OP-3	DS1, %		100%	86.26%	100%	89.17%		83.75%		89.62%		90.38%	a b c d e
OP-3	DS3, %			77.42%		94.12%		75.00%		43.33%		64.52%	a b c d e
OP-3	E911, %		100%								100%		a b c d e
OP-3	EELs, %		95.24%		95.83%		100%		100%		71.43%		
OP-3	Frame Relay, %			76.30%		90.08%		92.31%		89.31%		84.26%	a b c d e
OP-3	ISDN Primary, %	ND								100%			a b c d e
OP-3	ISDN Primary, %	D											a b c d e
OP-3	ISDN Primary, %			52.31%	100%	94.83%		98.77%		100%		95.65%	a b c d e
OP-3	Line Sharing, %	ND	100%	99.44%	100%	99.60%	99.19%	99.52%	100%	99.58%	100%	99.50%	

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-3	Line Sharing, %	D		94.75%		94.53%		94.48%		93.89%		94.69%	a b c d e
OP-3	LIS Trunk, %		100%	100%	100%	90.91%	96.36%	90.91%	96.15%	100%	87.80%	100%	
OP-3	PBX, %	ND		100%	100%	100%			0%	100%			a b c d e
OP-3	PBX, %	D		66.67%		90.91%		100%		100%		100%	a b c d e
OP-3	PBX, %		90.91%	86.67%	100%	100%	100%	82.76%	75.00%	95.24%	100%	88.89%	b c d e
OP-3	Qwest DSL, %	ND	100%	98.83%	100%	99.35%	100%	99.35%	89.47%	99.65%	100%	99.23%	c
OP-3	Qwest DSL, %	D		93.66%	100%	93.01%	100%	94.44%	100%	95.91%		96.79%	a b c d e
OP-3	Qwest DSL, %		100%	100%		92.31%	100%	100%	100%	91.67%		77.78%	a b c d e
OP-3	Residence, %	ND	99.85%	99.44%	99.64%	99.63%	100%	99.54%	99.76%	99.59%	100%	99.52%	
OP-3	Residence, %	D	92.31%	95.12%	98.02%	94.86%	98.84%	94.59%	95.77%	94.08%	96.47%	94.65%	
OP-3	UBL - 2-wire, %		100%	95.60%	98.26%	94.55%	99.13%	91.15%	97.58%	80.60%	98.50%	85.71%	
OP-3	UBL - 4-wire, %			86.26%		89.17%		83.75%		89.62%		90.38%	a b c d e
OP-3	UBL - ADSL Qualified, %		100%	93.75%	100%	93.10%	100%	94.44%	100%	95.91%	100%	96.79%	b d
OP-3	UBL - DS1 Capable, %		90.74%	86.26%	93.90%	89.17%	100%	83.75%	100%	89.62%	91.86%	90.38%	
OP-3	UBL - DS3 Capable, %			77.42%		94.12%		75.00%		43.33%		64.52%	a b c d e
OP-3	UBL - Analog, %	D											a b c d e
OP-3	UBL - Analog, %		96.19%	94.75%	98.78%	94.53%	99.46%	94.48%	99.47%	93.89%	99.14%	94.69%	
OP-3	UBL - Conditioned, %		72.38%		99.27%		98.15%		100%		95.65%		
OP-3	UBL - ISDN Capable, %		100%	95.60%	96.67%	94.55%	95.83%	91.15%	100%	80.60%	97.22%	85.71%	
OP-3	UDIT Above DS1 Level, %		100%	77.42%	100%	94.12%	100%	75.00%	100%	43.33%	100%	64.52%	a b c d e
OP-3	UDIT DS1, %			86.26%		89.17%		83.75%		89.62%	100%	90.38%	a b c d e
OP-3	UNE-P, POTS, %	ND	99.76%	99.44%	99.91%	99.60%	100%	99.52%	99.78%	99.58%	99.90%	99.50%	
OP-3	UNE-P, POTS, %	D	98.75%	94.75%	96.39%	94.53%	95.97%	94.48%	95.97%	93.89%	94.38%	94.69%	
OP-3	UNE-P, Centrex, %	ND	98.11%	85.71%	100%	100%	96.43%	100%	100%	100%	100%	100%	
OP-3	UNE-P, Centrex, %	D	85.37%	90.64%	92.50%	97.50%	90.24%	88.04%	94.74%	98.55%	90.48%	95.00%	
OP-3	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	97.87%	100%	97.56%	a b c d e
OP-3	UNE-P, Centrex 21, %	D	100%	92.31%		96.55%		88.16%	75.00%	97.87%	50.00%	91.43%	a b c d e
OP-4	**Installation Interval**												
OP-4	Basic Rate ISDN, Avg Days	ND				0							a b c d e
OP-4	Basic Rate ISDN, Avg Days	D						3.5		4		0	a b c d e
OP-4	Basic Rate ISDN, Avg Days			6.88	8	8.76	9	7.79		12.47		11.53	a b c d e
OP-4	Business, Avg Days	ND	2.09	3.26	2.71	2.97	2.96	3.11	3.23	3.21	2.46	3.28	

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	Business, Avg Days	D	7.43	6.2	4.94	5.65	3.89	5.71	6.19	5.37	4.23	4.98	
OP-4	Centrex 21, Avg Days	ND	3	3.29	5	4.21		2.91		4.91		4.3	a b c d e
OP-4	Centrex 21, Avg Days	D		6.8		5.91		4.78		6.77		5.41	a b c d e
OP-4	Centrex, Avg Days	ND		4		3.8		2		5		1.5	a b c d e
OP-4	Centrex, Avg Days	D		4.39		4.02		5.01		5.46		5.41	a b c d e
OP-4	Dark Fiber - IOF, Avg Days		0										a b c d e
OP-4	Dark Fiber - Loop, Avg Days				20		20						a b c d e
OP-4	DS0, Avg Days	ND				5			8				a b c d e
OP-4	DS0, Avg Days	D				3				31			a b c d e
OP-4	DS0, Avg Days		6	11.12	6	8.43	4.5	8.21		8.86	3	7	a b c d e
OP-4	DS1, Avg Days		1	12.65	8	11.29		12.4		14.1		14.01	a b c d e
OP-4	DS3, Avg Days			19.52		14.21		11.58		27.74		22.45	a b c d e
OP-4	E911, Avg Days		10.67						640	17	7		a b c d e
OP-4	EELs, Avg Days		6		4.62		5.17		6.42		9.6		a c e
OP-4	Frame Relay, Avg Days			16.04		16.38		17.98		15.29		20.77	a b c d e
OP-4	ISDN Primary, Avg Days	ND								0			a b c d e
OP-4	ISDN Primary, Avg Days	D											a b c d e
OP-4	ISDN Primary, Avg Days			44.8	6	14.17		15.03		17.29		9.49	a b c d e
OP-4	Line Sharing, Avg Days	ND	3	3.75	2.97	3.63	2.96	3.62	3.01	3.55	2.97	3.47	
OP-4	Line Sharing, Avg Days	D		5.62		5.28		5.16		5.08		4.53	a b c d e
OP-4	LIS Trunk, Avg Days		21.6	15.76	16.6	19.63	15.68	16.94	15.38	17.88	15.28	19.88	
OP-4	PBX, Avg Days	ND		1	4	0.5			5	3.33			a b c d e
OP-4	PBX, Avg Days	D		4.67		2.55		1.25		6.5		3	a b c d e
OP-4	PBX, Avg Days		6.75	10.45	4.33	11.19	5.2	10.9	5.25	9.93	7	8.67	a b c d e
OP-4	Qwest DSL, Avg Days	ND	5.08	4.86	4.44	4.92	5	4.93	5.17	4.89	5.17	4.9	b c
OP-4	Qwest DSL, Avg Days	D		5.7	5	5.72	2	5.67	6.5	5.51		5.16	a b c d e
OP-4	Qwest DSL, Avg Days		7	7.21		2.64	4	9.75	3	3.8		5.29	a b c d e
OP-4	Residence, Avg Days	ND	2.94	3.76	2.98	3.64	2.99	3.63	2.99	3.56	2.94	3.47	
OP-4	Residence, Avg Days	D	4.54	5.48	3.69	5.19	3.2	5.01	3.83	5	3.06	4.39	
OP-4	UBL - 2-wire, Avg Days		4.08	6.88	3.94	8.68	3.99	7.64	3.86	12.34	3.99	11.42	
OP-4	UBL - 4-wire, Avg Days			12.65		11.29		12.4		14.1		14.01	a b c d e
OP-4	UBL - ADSL Qualified, Avg Days		4.25	5.85	4.71	5.7	4.5	5.67	3.33	5.51	3.5	5.16	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	UBL - DS1 Capable, Avg Days		8.16	12.65	8.04	11.29	8.36	12.4	8.35	14.1	9.04	14.01	
OP-4	UBL - DS3 Capable, Avg Days			19.52		14.21		11.58		27.74		22.45	a b c d e
OP-4	UBL - Analog, Avg Days	D											a b c d e
OP-4	UBL - Analog, Avg Days		5.13	5.62	5.13	5.28	5.28	5.16	4.76	5.08	4.81	4.53	
OP-4	UBL - Conditioned, Avg Days		10.26		10.24		9.31		10.32		11.2		
OP-4	UBL - ISDN Capable, Avg Days		4.24	6.88	5	8.68	4.48	7.64	3.74	12.34	3.9	11.42	
OP-4	UDIT Above DS1 Level, Avg Days		16	19.52	8.5	14.21	9	11.58	6	27.74	7.25	22.45	a b c d e
OP-4	UDIT DS1, Avg Days			12.65		11.29		12.4		14.1	9	14.01	a b c d e
OP-4	UNE-P, POTS, Avg Days	D	5.85	5.62	5.36	5.28	4.71	5.16	4.45	5.08	4.42	4.53	
OP-4	UNE-P, POTS, Avg Days	ND	3.17	3.75	3.02	3.63	3.04	3.62	3.02	3.55	3.28	3.47	
OP-4	UNE-P, Centrex, Avg Days	D	5.27	4.39	6.78	4.02	7.88	5.01	6	5.46	4.71	5.41	
OP-4	UNE-P, Centrex, Avg Days	ND	5.06	4	5.28	3.8	4.63	2	5.45	5	5.2	1.5	
OP-4	UNE-P, Centrex 21, Avg Days	ND	1.75	3.29		4.21	4.5	2.91	4	4.91	4.25	4.3	a b c d e
OP-4	UNE-P, Centrex 21, Avg Days	D	8	6.8		5.91		4.78	4.5	6.77	5.5	5.41	a b c d e
OP-5	**New Service Installation Quality**												
OP-5	Basic Rate ISDN, %			92.38%	100%	97.09%	100%	93.91%	100%	86.96%		93.18%	a b c d e
OP-5	Business, %		90.08%	88.82%	91.00%	95.58%	95.70%	93.24%	92.00%	92.40%	89.83%	91.85%	
OP-5	Centrex 21, %		100%	81.16%	100%	93.06%	100%	84.00%		87.85%		84.76%	a b c d e
OP-5	Centrex, %			94.12%		98.69%		97.27%		98.80%		88.16%	a b c d e
OP-5	Dark Fiber - IOF, %		100%		100%								a b c d e
OP-5	Dark Fiber - Loop, %				100%		100%		100%				a b c d e
OP-5	DS0, %		90.00%	26.32%	100%	97.37%	100%	88.00%	100%	76.92%	100%	92.31%	a b c d e
OP-5	DS1, %		0%	94.00%	100%	99.17%	100%	95.25%		95.44%		96.11%	a b c d e
OP-5	DS3, %			97.67%		97.96%		97.50%		97.06%		98.04%	a b c d e
OP-5	E911, %		100%		100%				100%	100%	100%	100%	a b c d e
OP-5	EELs, %		92.00%		100%		100%		90.00%		89.47%		
OP-5	Frame Relay, %			94.44%		99.31%		97.26%		96.86%		100%	a b c d e
OP-5	ISDN Primary, %			100%	100%	100%	100%	100%		98.31%		100%	a b c d e
OP-5	Line Sharing, %		96.15%	92.01%	95.52%	95.55%	96.69%	94.32%	94.44%	93.47%	95.12%	93.07%	
OP-5	LIS Trunk, %		100%	100%	100%	97.78%	100%	100%	97.87%	100%	100%	100%	
OP-5	PBX, %		73.33%	95.45%	100%	100%	88.89%	100%	66.67%	100%	100%	97.14%	c d e
OP-5	Qwest DSL, %		100%	99.82%	100%	100%	100%	99.91%	100%	100%	100%	100%	

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5	Residence, %		96.92%	92.27%	96.15%	95.54%	95.09%	94.41%	95.79%	93.57%	97.44%	93.19%	
OP-5	UBL - 2-wire, %		98.96%	92.38%	99.40%	97.09%	94.19%	87.83%	95.83%	73.91%	94.74%	86.36%	
OP-5	UBL - 4-wire, %			94.00%		99.17%		95.25%		95.44%		96.11%	a b c d e
OP-5	UBL - ADSL Qualified, %		75.00%	97.81%	100%	100%	100%	98.92%	64.29%	100%	86.67%	100%	a
OP-5	UBL - DS1 Capable, %		93.51%	94.00%	96.34%	99.17%	94.81%	95.25%	92.75%	95.44%	91.21%	96.11%	
OP-5	UBL - DS3 Capable, %			97.67%		97.96%		97.50%		97.06%		98.04%	a b c d e
OP-5	UBL - Analog, %		99.03%	72.62%	99.73%	85.25%	98.32%	81.38%	98.24%	78.51%	97.93%	77.39%	
OP-5	UBL - ISDN Capable, %		91.18%	92.38%	93.94%	97.09%	94.59%	87.83%	94.59%	73.91%	95.12%	86.36%	
OP-5	UDIT Above DS1 Level, %		100%	97.67%	100%	97.96%	100%	97.50%	100%	97.06%	100%	98.04%	a b c d e
OP-5	UDIT DS1, %		100%	94.00%		99.17%		95.25%		95.44%	100%	96.11%	a b c d e
OP-5	UNE-P, POTS, %		95.63%	92.01%	98.43%	95.55%	95.90%	94.32%	96.81%	93.47%	95.45%	93.07%	
OP-5	UNE-P, Centrex, %		86.21%	94.12%	94.44%	98.69%	91.03%	94.55%	91.55%	97.59%	84.29%	76.32%	
OP-5	UNE-P, Centrex 21, %		90.91%	81.16%	100%	93.06%	50.00%	84.00%	100%	87.85%	100%	84.76%	b c d e
OP-5*	Basic Rate ISDN, %			98.10%	100%	100%	100%	97.39%	100%	94.57%			a b c d e
OP-5*	Business, %		92.56%	91.45%	97.00%	94.96%	96.77%	94.65%	93.33%	93.57%			e
OP-5*	Centrex 21, %		100%	86.23%	100%	89.58%	100%	88.00%		91.59%			a b c d e
OP-5*	Centrex, %			96.47%		99.35%		99.09%		98.80%			a b c d e
OP-5*	Dark Fiber - IOF, %		100%		100%								a b c d e
OP-5*	Dark Fiber - Loop, %				100%		100%		100%				a b c d e
OP-5*	DS0, %		90.00%	57.89%	100%	94.74%	100%	92.00%	100%	92.31%			a b c d e
OP-5*	DS1, %		0%	94.92%	100%	97.52%	100%	97.36%		97.02%			a b c d e
OP-5*	DS3, %			97.67%		97.96%		97.50%		97.06%			a b c d e
OP-5*	E911, %		100%		100%				100%	100%			a b c d e
OP-5*	EELs, %		96.00%		100%		100%		90.00%				e
OP-5*	Frame Relay, %			96.53%		98.61%		98.63%		98.74%			a b c d e
OP-5*	ISDN Primary, %			100%	100%	100%	100%	100%		98.31%			a b c d e
OP-5*	Line Sharing, %		100%	93.77%	97.76%	95.80%	98.01%	95.27%	97.22%	94.45%			e
OP-5*	LIS Trunk, %		100%	100%	100%	100%	100%	100%	97.87%	100%			e
OP-5*	PBX, %		86.67%	95.45%	100%	100%	100%	100%	100%	100%			c d e
OP-5*	Qwest DSL, %		100%	99.85%	100%	99.94%	100%	99.94%	100%	100%			e
OP-5*	Residence, %		97.17%	93.96%	96.01%	95.86%	95.42%	95.32%	96.17%	94.54%			e
OP-5*	UBL - 2-wire, %		100%	98.10%	95.81%	97.09%	95.48%	94.78%	96.43%	89.13%			e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5*	UBL - 4-wire, %			94.92%		97.52%		97.36%		97.02%			a b c d e
OP-5*	UBL - ADSL Qualified, %		75.00%	98.18%	100%	99.32%	100%	99.28%	78.57%	100%			a e
OP-5*	UBL - DS1 Capable, %		97.40%	94.92%	96.34%	97.52%	96.10%	97.36%	92.75%	97.02%			e
OP-5*	UBL - DS3 Capable, %			97.67%		97.96%		97.50%		97.06%			a b c d e
OP-5*	UBL - Analog, %		99.46%	78.65%	98.67%	86.08%	98.65%	84.49%	98.81%	81.75%			e
OP-5*	UBL - ISDN Capable, %		100%	98.10%	100%	97.09%	100%	94.78%	94.59%	89.13%			e
OP-5*	UDIT Above DS1 Level, %		100%	97.67%	100%	97.96%	100%	97.50%	100%	97.06%			a b c d e
OP-5*	UDIT DS1, %		100%	94.92%		97.52%		97.36%		97.02%			a b c d e
OP-5*	UNE-P, POTS, %		96.60%	93.77%	96.33%	95.80%	96.87%	95.27%	97.64%	94.45%			e
OP-5*	UNE-P, Centrex, %		87.93%	96.47%	96.67%	99.35%	96.15%	98.18%	95.77%	97.59%			e
OP-5*	UNE-P, Centrex 21, %		90.91%	86.23%	66.67%	89.58%	50.00%	88.00%	100%	91.59%			b c d e
OP-6A	**Delayed Days for Non-Facility Reasons**												
OP-6A	Basic Rate ISDN, Avg Days	D						2					a b c d e
OP-6A	Basic Rate ISDN, Avg Days			3.67				3		1		14.5	a b c d e
OP-6A	Business, Avg Days	ND		2.5		1.29	2	3.2		2.25		1.4	a b c d e
OP-6A	Business, Avg Days	D	1	5.01	13	4.44		4.16		3.98		3.37	a b c d e
OP-6A	Centrex 21, Avg Days	ND								2		5	a b c d e
OP-6A	Centrex 21, Avg Days	D		4.57		4		1.67		1		2.33	a b c d e
OP-6A	Centrex, Avg Days	ND		3									a b c d e
OP-6A	Centrex, Avg Days	D		1.67		1		1		1		1.5	a b c d e
OP-6A	DS0, Avg Days	ND											a b c d e
OP-6A	DS0, Avg Days	D								18			a b c d e
OP-6A	DS0, Avg Days			15.13	1	17						14.5	a b c d e
OP-6A	DS1, Avg Days			19.52		13.78		8.02		15.63		15.12	a b c d e
OP-6A	DS3, Avg Days			13.13		37.5		14.33		10.8		41.62	a b c d e
OP-6A	E911, Avg Days												a b c d e
OP-6A	EELs, Avg Days		3		1				3		13		a b c d e
OP-6A	Frame Relay, Avg Days			8.68		4.7		3.83		12.36		11.11	a b c d e
OP-6A	ISDN Primary, Avg Days	ND											a b c d e
OP-6A	ISDN Primary, Avg Days	D											a b c d e
OP-6A	ISDN Primary, Avg Days			62.83		12.75		17.71		19.2		14	a b c d e
OP-6A	Line Sharing, Avg Days	ND	12	6.9		7.43	1	10.07		3.51		6.56	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6A	Line Sharing, Avg Days	D		4.65		5.24		4.33		4.3		2.92	a b c d e
OP-6A	LIS Trunk, Avg Days					17.75	4	3			22.8	24	a b c d e
OP-6A	PBX, Avg Days	ND							2				a b c d e
OP-6A	PBX, Avg Days	D				1							a b c d e
OP-6A	PBX, Avg Days		17	5		32		6	2	13.67		3	a b c d e
OP-6A	Qwest DSL, Avg Days	ND		4.24		5.35		3.8	2.5	2.55		16.13	a b c d e
OP-6A	Qwest DSL, Avg Days	D		4.83		3		4.5		2.88		2.33	a b c d e
OP-6A	Qwest DSL, Avg Days					33				2		4	a b c d e
OP-6A	Residence, Avg Days	ND	2	6.97	11	8.07		10.6		3.59		6.92	a b c d e
OP-6A	Residence, Avg Days	D	3	4.5	2	5.55		4.39	2.5	4.42	1	2.73	a b c d e
OP-6A	UBL - 2-wire, Avg Days		6	3.67	4.5		4	2.5	9.5	1		14.5	a b c d e
OP-6A	UBL - 4-wire, Avg Days			19.52		13.78		8.02		15.63		15.12	a b c d e
OP-6A	UBL - ADSL Qualified, Avg Days			4.83		3		4.5		2.88		2.33	a b c d e
OP-6A	UBL - DS1 Capable, Avg Days		1.33	19.52	1.5	13.78	13.5	8.02		15.63	4.33	15.12	a b c d e
OP-6A	UBL - DS3 Capable, Avg Days			13.13		37.5		14.33		10.8		41.62	a b c d e
OP-6A	UBL - Analog, Avg Days	D											a b c d e
OP-6A	UBL - Analog, Avg Days		2.55	4.65	7.44	5.24	3.88	4.33	3.5	4.3	4.45	2.92	c d
OP-6A	UBL - ISDN Capable, Avg Days		8	3.67				2.5		1		14.5	a b c d e
OP-6A	UDIT Above DS1 Level, Avg Days			13.13		37.5		14.33		10.8		41.62	a b c d e
OP-6A	UDIT DS1, Avg Days			19.52		13.78		8.02		15.63		15.12	a b c d e
OP-6A	UNE-P, POTS, Avg Days	ND	13	6.9	1	7.43		10.07	2.33	3.51	2	6.56	a b c d e
OP-6A	UNE-P, POTS, Avg Days	D	3	4.65	4.75	5.24	2.17	4.33	1	4.3	2	2.92	a b c d e
OP-6A	UNE-P, Centrex, Avg Days	ND	2	3			1						a b c d e
OP-6A	UNE-P, Centrex, Avg Days	D	1.6	1.67	4.5	1	5	1		1	4	1.5	a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	ND								2		5	a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	D		4.57		4		1.67		1	1	2.33	a b c d e
OP-6B	**Delayed Days for Facility Reasons**												
OP-6B	Basic Rate ISDN, Avg Days	D											a b c d e
OP-6B	Basic Rate ISDN, Avg Days			4		28		14.33		19.58		7.36	a b c d e
OP-6B	Business, Avg Days	ND				2							a b c d e
OP-6B	Business, Avg Days	D		10.53		12.82		11.27	6	9.33	6	8.55	a b c d e
OP-6B	Centrex 21, Avg Days	D		9		5		7				7	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6B	Centrex, Avg Days	D		3		10							a b c d e
OP-6B	DS0, Avg Days			3		2.5		2				1	a b c d e
OP-6B	DS1, Avg Days			9.57		9.52		22.05		16.33		10.92	a b c d e
OP-6B	DS3, Avg Days			27		80		11		40.5		18.75	a b c d e
OP-6B	EELs, Avg Days										11.67		a b c d e
OP-6B	Frame Relay, Avg Days			16.22		13.8		7.8		12.83		13.33	a b c d e
OP-6B	ISDN Primary, Avg Days							41				7	a b c d e
OP-6B	Line Sharing, Avg Days	ND	8.21	35		12		3.09		2		3.43	b c d e
OP-6B	Line Sharing, Avg Days	D	7	9.02		8.89		11.13		7.63		8.47	a b c d e
OP-6B	LIS Trunk, Avg Days								60		22		a b c d e
OP-6B	PBX, Avg Days	D		4									a b c d e
OP-6B	PBX, Avg Days			10				4					a b c d e
OP-6B	Qwest DSL, Avg Days	ND		1		33.5		7					a b c d e
OP-6B	Qwest DSL, Avg Days	D											a b c d e
OP-6B	Qwest DSL, Avg Days											4	a b c d e
OP-6B	Residence, Avg Days	ND		35	6	13		3.09	8	2		3.43	a b c d e
OP-6B	Residence, Avg Days	D	7	8.61	7	7.87	5	11.09	6	7.18	4	8.45	a b c d e
OP-6B	UBL - 2-wire, Avg Days			4	52	28	1	14.33	9	19.58	7.5	7.36	a b c d e
OP-6B	UBL - 4-wire, Avg Days			9.57		9.52		22.05		16.33		10.92	a b c d e
OP-6B	UBL - ADSL Qualified, Avg Days												a b c d e
OP-6B	UBL - DS1 Capable, Avg Days		2	9.57	5.33	9.52		22.05		16.33	4.33	10.92	a b c d e
OP-6B	UBL - DS3 Capable, Avg Days			27		80		11		40.5		18.75	a b c d e
OP-6B	UBL - Analog, Avg Days	D											a b c d e
OP-6B	UBL - Analog, Avg Days			9.02		8.89		11.13	3	7.63	6	8.47	a b c d e
OP-6B	UBL - ISDN Capable, Avg Days			4	20	28	3	14.33		19.58	3.5	7.36	a b c d e
OP-6B	UDIT Above DS1 Level, Avg Days			27		80		11		40.5		18.75	a b c d e
OP-6B	UDIT DS1, Avg Days			9.57		9.52		22.05		16.33		10.92	a b c d e
OP-6B	UNE-P, POTS, Avg Days	ND		35		12		3.09	2	2		3.43	a b c d e
OP-6B	UNE-P, POTS, Avg Days	D	8	9.02	10.2	8.89	4.5	11.13	5.67	7.63	5.2	8.47	a b c d e
OP-6B	UNE-P, Centrex, Avg Days	D	5	3	1	10	7		8		4.33		a b c d e
OP-6B	UNE-P, Centrex 21, Avg Days	D		9		5		7	6			7	a b c d e
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**												

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-7	Analog, Hrs:Min		0:03		0:03		0:03		0:03		0:03		
OP-7	Other, Hrs:Min						0:01				0:03		a b c d e
OP-8	**Number Portability Timeliness**												
OP-8B	with Loop Coordination, %		99.70%		99.86%		99.65%		99.89%		100%		
OP-8C	without Loop Coordination, %		99.84%		99.96%		98.72%		99.76%		98.94%		
OP-13A	**Coordinated Cuts Completed on Time - Unbundled Loop**												
OP-13A	UBL - Analog, %		99.28%		99.27%		99.67%		99.40%		100%		
OP-13A	UBL - Other, %		100%		100%		100%		100%		100%		
OP-13B	**Coordinated Cuts Started Without CLEC Approval - Unbundled Loop**												
OP-13B	UBL - Analog, %		0%		0%		0%		0%		0%		
OP-13B	UBL - Other, %		0%		0%		0%		0%		0%		
OP-15A	**Interval for Pending Orders Delayed Past Due Date**												
OP-15A	Basic Rate ISDN, Avg Days			182.6		199.06		196.23		183.92		219.81	a b c d e
OP-15A	Business, Avg Days		80.33	106.68	146	131.82	115.67	137.24	196	143.47	222	159.1	a b c d e
OP-15A	Centrex 21, Avg Days			134.11		132.2		128.63		146		92.5	a b c d e
OP-15A	Centrex, Avg Days		427	49.38	450	60.44	470	91.29	491	89.33	513	112.14	a b c d e
OP-15A	Dark Fiber - Loop, Avg Days		1						0		22		a b c d e
OP-15A	DS0, Avg Days			137.14	144	204.6		220.2		184.5		259	a b c d e
OP-15A	DS1, Avg Days			52.44		43.96		49.62		66.89		71.19	a b c d e
OP-15A	DS3, Avg Days			40.74		47.06		66.04		63.33		35.22	a b c d e
OP-15A	EELs, Avg Days		68		91		111		35.75		65		a b c d e
OP-15A	Frame Relay, Avg Days			137		118.24		80.81		141.62		79.63	a b c d e
OP-15A	ISDN Primary, Avg Days			34.63		10.4		42		4.5		19	a b c d e
OP-15A	Line Sharing, Avg Days		4.5		9.5		4.33		4		6		b c d e
OP-15A	LIS Trunk, Avg Days		38.86		61.86		66.11		55.57		90		a b c d e
OP-15A	PBX, Avg Days		216	81.75	239	119.83	259	225.67	280	74	151	99.6	a b c d e
OP-15A	Residence, Avg Days		258.5	94.8	274.5	100.56	285	113.87	152	120.21	310.5	150.13	a b c d e
OP-15A	UBL - 2-wire, Avg Days		17.67	182.6	5.33	199.06	7	196.23	6	183.92	22.8	219.81	a b c d e
OP-15A	UBL - 4-wire, Avg Days			52.44		43.96		49.62		66.89		71.19	a b c d e
OP-15A	UBL - DS1 Capable, Avg Days		37.14	52.44	78	43.96	262	49.62	45.43	66.89	83	71.19	a b c d e
OP-15A	UBL - DS3 Capable, Avg Days			40.74		47.06		66.04	2	63.33	24	35.22	a b c d e
OP-15A	UBL - Analog, Avg Days		29.75	90.15	57	105.13	134.5	116.74	44.57	123.87	105.67	137.74	a b c d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15A	UBL - ISDN Capable, Avg Days		18	182.6		199.06		196.23	1	183.92	0	219.81	a b c d e
OP-15A	UDIT Above DS1 Level, Avg Days			40.74		47.06		66.04		63.33		35.22	a b c d e
OP-15A	UDIT DS1, Avg Days			52.44		43.96		49.62		66.89		71.19	a b c d e
OP-15A	UNE-P, POTS, Avg Days		172.75	97.22	217.57	105.98	165.2	118.21	130.71	124.75	238.75	151.97	a b c e
OP-15A	UNE-P, Centrex, Avg Days		13	49.38	16	60.44	2	91.29	1	89.33	12.5	112.14	a b c d e
OP-15A	UNE-P, Centrex 21, Avg Days			134.11		132.2	3	128.63		146		92.5	a b c d e
OP-15B	**Pending Orders Delayed for Facilities Reasons**												
OP-15B	Basic Rate ISDN			13		11		10		12		11	a b c d e
OP-15B	Business		0	72	0	54	1	60	0	51	0	53	a b c d e
OP-15B	Centrex		0	0	0	0	0	0	0	0	0	1	a b c d e
OP-15B	Centrex 21			1		2		0		0		3	a b c d e
OP-15B	Dark Fiber - Loop		4						0		0		a b c d e
OP-15B	DS0			6	1	2		4		3		1	a b c d e
OP-15B	DS1			39		34		26		22		14	a b c d e
OP-15B	DS3			20		27		22		14		8	a b c d e
OP-15B	EELs		0		0		0		3		2		a b c d e
OP-15B	Frame Relay			5		8		7		4		5	a b c d e
OP-15B	ISDN Primary			6		10		1		1		2	a b c d e
OP-15B	Line Sharing		22		2		3		3		7		a b c d e
OP-15B	LIS Trunk		7		7		7		6		1		a b c d e
OP-15B	PBX		0	4	0	2	0	2	0	2	0	1	a b c d e
OP-15B	Residence		0	238	1	220	1	200	1	192	1	174	a b c d e
OP-15B	UBL - 2-wire		3	13	6	11	2	10	6	12	5	11	a b c d e
OP-15B	UBL - 4-wire			39		34		26		22		14	a b c d e
OP-15B	UBL - DS1 Capable		5	39	3	34	0	26	4	22	1	14	a b c d e
OP-15B	UBL - DS3 Capable			20		27		22	0	14	0	8	a b c d e
OP-15B	UBL - Analog		6	157	4	125	1	124	6	113	1	104	a b c d e
OP-15B	UBL - ISDN Capable		1	13		11		10	0	12	1	11	a b c d e
OP-15B	UDIT Above DS1 Level			20		27		22		14		8	a b c d e
OP-15B	UDIT DS1			39		34		26		22		14	a b c d e
OP-15B	UNE-P, POTS		2	310	2	274	4	260	2	243	1	227	a b c d e
OP-15B	UNE-P, Centrex		1	0	2	0	1	0	2	0	0	1	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15B	UNE-P, Centrex 21			1		2	1	0		0		3	a b c d e
OP-17	**Timeliness of Disconnects associated with LNP Orders**												
OP-17A	LNP, %		100%		100%		100%		99.97%		99.73%		
OP-17B	LNP, %		100%		100%		100%		100%		100%		
OPERATOR SERVICES													
OS-1	**Speed of Answer - Operator Services**												
OS-1	All, Avg Sec			8.69		8.52		8.33		8.88		8.32	a b c d e
PRE-ORDER/ORDER													
PO-1	**Pre-Order/Order Response Times**												
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec		0.56		0.6		0.44		0.3		0.34		
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec		1.77		1.68		1.47		1.43		1.55		
PO-1A-1Total	Appt. Sched, GUI Aggregate, Avg Sec		2.33		2.28		1.91		1.73		1.89		
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec		0.5		0.52		0.41		0.37		0.44		
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec		6.75		6.87		7.25		7.49		7.71		
PO-1A-2Total	Service Avail, GUI Aggregate, Avg Sec		7.25		7.4		7.66		7.86		8.14		
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec		0.7		0.74		0.55		0.41		0.57		
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec		7.48		7.16		7.33		6.89		7		
PO-1A-3Total	Facility Check, GUI Aggregate, Avg Sec		8.18		7.9		7.88		7.3		7.57		
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec		1.31		1.32		1.09		0.81		0.83		
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec		5.1		4.75		4.37		3.82		3.89		
PO-1A-4Total	Address Validation, GUI Aggregate, Avg Sec		6.41		6.07		5.47		4.64		4.72		
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec		0.7		0.7		0.61		0.67		0.89		
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec		5.59		5.74		5.71		6.22		6.55		
PO-1A-5Total	Get CSR, GUI Aggregate, Avg Sec		6.28		6.44		6.32		6.89		7.44		
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec		0.79		0.82		0.61		0.29		0.33		
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec		4.5		4.45		4.83		5.05		4.78		
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec		0.66		0.62		0.66		0.72		0.72		
PO-1A-6Total	TN Reserv, GUI Aggregate, Avg Sec		5.94		5.9		6.11		6.06		5.83		
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec		1.05		1.1		0.94		0.74		0.78		
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec		5.75		6.82		6.74		6.88		6.94		
PO-1A-7Total	Loop Qual Tools, GUI Aggregate, Avg Sec		6.8		7.92		7.68		7.62		7.72		
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec		0.91		0.92		0.72		0.8		0.47		

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec		5.63		6.14		8.14		6.94		7.4		
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggregate, Avg Sec		6.54		7.06		8.86		7.74		7.87		
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec		0.44		0.54		0.36		0.27		0.27		
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec		8.25		8.13		8.89		8.79		8.45		
PO-1A-9Total	Connecting Facility Assign, GUI Aggregate, Avg Sec		8.69		8.67		9.25		9.06		8.73		
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec		0.47		0.43		0.36		0.29		0.31		
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec		4.87		5.19		4.96		4.91		4.81		
PO-1A-10Total	Meet Point Inquiry, GUI Aggregate, Avg Sec		5.34		5.62		5.32		5.2		5.12		
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec		3.55		3.54		3.34		3.36		3.39		
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec		5.41		5.45		5.54		5.28		5.06		
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec		6.61		7.07		7.2		6.9		7.09		
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec		7.33		6.96		6.65		6.37		6.5		
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec		2.88		2.69		2.57		2.54		2.56		
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec		2.66		3.1		3.05		3.14		3.25		
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec		5.18		5.21		5.41		5.46		5.24		
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec		7.24		7.28		7.09		6.84		7.12		
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec		5.74		6.88		6.51		5.79		6.96		
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec		8.03		8.48		8.51		8.4		8.1		
PO-1C-1	Timeout, GUI Total, %		0.04%		0.34%		0.48%		0.26%		0.28%		
PO-1C-2	Timeout, EDI Total, %		0.24%		0.14%		0.05%		0.01%		0.07%		
PO-1D-1	Rejected Query, GUI Total, Avg Sec		1.34		1.36		1.33		1.32		1.31		
PO-1D-2	Rejected Query, EDI Total, Avg Sec		1.84		1.94		1.88		1.87		1.78		
PO-2	**Electronic Flow-through**												
PO-2A-1	GUI, LNP, %		35.51%		42.05%		29.44%		25.08%		39.72%		
PO-2A-1	GUI, Resale Aggregate W/O UNE-P-POTS, %		67.72%		72.40%		72.61%		67.37%		71.44%		
PO-2A-1	GUI, UBL Aggregate, %		30.80%		34.69%		28.42%		39.61%		39.33%		
PO-2A-1	GUI, UNE-P, POTS, %		59.16%		70.08%		47.38%		43.64%		51.21%		
PO-2A-2	EDI, LNP, %		17.86%		32.69%		13.51%		18.75%		19.57%		
PO-2A-2	EDI, Resale Aggregate W/O UNE-P-POTS, %		75.44%		80.43%		84.51%		85.37%		71.43%		
PO-2A-2	EDI, UBL Aggregate, %		59.78%		50.00%		57.08%		52.65%		53.73%		
PO-2A-2	EDI, UNE-P, POTS, %		61.98%		57.47%		62.24%		82.30%		72.65%		
PO-2B-1	All Eligible LSRs, GUI, LNP, %		94.22%		97.05%		91.38%		96.25%		93.46%		

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-2B-1	All Eligible LSRs, GUI, Resale Aggregate W/O UNE-P-POTS, %		95.30%		93.06%		89.28%		89.07%		94.50%		
PO-2B-1	All Eligible LSRs, GUI, UBL Aggregate, %		93.70%		90.74%		84.86%		95.11%		95.82%		
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %		87.61%		92.44%		79.37%		73.73%		82.49%		
PO-2B-2	All Eligible LSRs, EDI, LNP, %		83.33%		89.47%		83.33%		75.00%		60.00%		a c d
PO-2B-2	All Eligible LSRs, EDI, Resale Aggregate W/O UNE-P-POTS, %		84.31%		93.67%		98.36%		100%		96.15%		
PO-2B-2	All Eligible LSRs, EDI, UBL Aggregate, %		92.44%		89.74%		88.81%		87.63%		90.00%		
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %		91.07%		82.97%		86.79%		96.37%		93.48%		
PO-3	**LSR Rejection Notice Interval**												
PO-3A-1	GUI - Rejected Manually, Product Aggregate, Hrs:Min		3:16		2:33		3:12		14:47		11:55		
PO-3A-2	GUI - Auto-Rejected, Product Aggregate, Min:Sec		0:03		0:03		0:03		0:03		0:07		
PO-3B-1	EDI - Rejected Manually, Product Aggregate, Hrs:Min		4:04		2:45		2:12		13:54		12:57		
PO-3B-2	EDI - Auto-Rejected, Product Aggregate, Min:Sec		0:05		0:05		0:03		0:03		0:01		
PO-3C	Manual and IIS, Product Aggregate, Hrs:Min		13:04		13:39		11:17		12:18		14:55		
PO-4	**LSRs Rejected**												
PO-4A-1	GUI - Rejected Manually, Product Aggregate, %		2.20%		2.59%		2.67%		2.82%		3.19%		
PO-4A-2	GUI - Auto-Rejected, Product Aggregate, %		31.56%		28.58%		32.61%		31.18%		31.23%		
PO-4B-1	EDI - Rejected Manually, Product Aggregate, %		4.67%		4.98%		3.81%		4.01%		3.27%		
PO-4B-2	EDI - Auto-Rejected, Product Aggregate, %		20.79%		22.15%		27.14%		26.33%		48.51%		
PO-4C	Facsimile , Product Aggregate, %		47.87%		42.70%		47.83%		42.68%		43.43%		
PO-5	**Firm Order Confirmations (FOCs) On Time**												
PO-5A-1(a)	Fully Elec LSRs Rec'd Via GUI, Resale Aggregate, %		99.91%		99.25%		99.81%		100%		100%		
PO-5A-1(b)	Fully Elec LSRs Rec'd Via GUI, UBL Aggregate, %		99.77%		98.26%		99.71%		100%		100%		
PO-5A-1(c)	Fully Elec LSRs Rec'd Via GUI, LNP, %		100%		99.05%		100%		100%		100%		
PO-5A-2(a)	Fully Elec LSRs Rec'd Via EDI, Resale Aggregate, %		100%		95.82%		99.38%		100%		100%		
PO-5A-2(b)	Fully Elec LSRs Rec'd Via EDI, UBL Aggregate, %		100%		100%		100%		100%		100%		
PO-5A-2(c)	Fully Elec LSRs Rec'd Via EDI, LNP, %		100%		100%		100%		100%		100%		a c d e
PO-5B-1(a)	Elec/Manual LSRs Rec'd Via GUI, Resale Aggregate, %		95.94%		96.98%		97.33%		97.36%		97.95%		
PO-5B-1(b)	Elec/Manual LSRs Rec'd Via GUI, UBL Aggregate, %		98.32%		98.62%		98.27%		98.29%		98.79%		
PO-5B-1(c)	Elec/Manual LSRs Rec'd Via GUI, LNP, %		100%		99.64%		97.29%		99.53%		98.94%		
PO-5B-2(a)	Elec/Manual LSRs Rec'd Via EDI, Resale Aggregate, %		100%		99.71%		100%		99.55%		100%		
PO-5B-2(b)	Elec/Manual LSRs Rec'd Via EDI, UBL Aggregate, %		99.73%		98.58%		99.73%		98.33%		99.48%		
PO-5B-2(c)	Elec/Manual LSRs Rec'd Via EDI, LNP, %		100%		100%		100%		100%		100%		

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-5C-(a)	Manual, Resale Aggregate, %		93.75%		94.29%		95.65%		100%		100%		
PO-5C-(b)	Manual, UBL Aggregate, %		100%		100%		100%		100%		100%		a b c
PO-5C-(c)	Manual, LNP, %		100%		100%		100%		100%		100%		a b c d e
PO-5D	LIS Trunk, %		100%		98.15%		100%		98.53%		100%		
PO-6	**Work Completion Notification Timeliness**												
PO-6A	GUI, All, Hrs:Min		1:34		0:32		0:14		0:28		0:19		
PO-6B	EDI, All, Hrs:Min		3:33		0:40		0:10		0:12		0:10		
PO-7	**Billing Completion Notification Timeliness**												
PO-7A-C	GUI, All, %		99.94%	100%	99.47%	100%	99.88%	100%	99.59%	100%	99.46%	100%	
PO-7B-C	EDI, All, %			100%		100%		100%		100%		100%	a b c d e
PO-8	**Jeopardy Notice Interval**												
PO-8A	Non-Designed Services, Avg Days		5.8	4.85	1.44	4.6	2	4.34	1.8	4.73	0	4.11	a b c d e
PO-8B	UBLs and LNP, Avg Days		5.53	4.85	4.83	4.6	5.23	4.34	4.41	4.73	4.83	4.11	
PO-8C	LIS Trunk, Avg Days		19			2			21		9.2		a b c d e
PO-8D	UNE-P, POTS, Avg Days		5.91	4.85	4.1	4.6	8.11	4.34	2.29	4.73	2.25	4.11	b c d e
PO-9	**Timely Jeopardy Notices**												
PO-9A	Non-Designed Services, %		0%	20.38%	20.00%	16.07%	33.33%	12.61%	12.50%	15.18%	0%	18.09%	a b c d e
PO-9B	UBLs and LNP, %		20.69%	20.38%	22.81%	16.07%	0%	12.61%	22.22%	15.18%	58.33%	18.09%	c d
PO-9C	LIS Trunk, %			0%	0%	12.50%	0%	0%	100%	0%	57.14%	0%	a b c d e
PO-9D	UNE-P, POTS, %		16.67%	20.38%	0%	16.07%	16.67%	12.61%	11.11%	15.18%	16.67%	18.09%	a c d e
PO-10	**LSR Accountability**												
PO-10	Product Aggregate, %		100%		99.99%		100%		100%		100%		
PO-15	**Number of Due Date Changes per Order**												
PO-15	All, Avg Days		0.13	0.02	0.09	0.02	0.07	0.02	0.07	0.02	0.09	0.02	
PO-16	**Timely Release Notifications**												
PO-16	All, %		100%		100%				100%		100%		a b c d e
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**												
PO-19	All, %		98.89%		99.11%		97.61%		98.28%		100%		
PO-19A	Rel. 10.0, %		98.45%		99.48%		97.42%		98.46%		100%		
PO-19A	Rel. 11.0, %				100%		98.17%		97.25%		100%		a
PO-19A	Rel. 8.0, %		98.94%										b c d e
PO-19A	Rel. 9.0, %		98.94%		100%		95.77%						d e
PO-19A	Rel. VICKI, %		100%		92.31%		100%		100%		100%		
PO-19B	All, %						97.06%						a b d e

OREGON PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-20	**Manual Service Order Accuracy**												
PO-20	Resale POTS and UNE-P, POTS, %		96.88%		97.22%		95.20%		94.40%		93.98%		
PO-20	UBLs, Analog & NL 2-wire, %		94.42%		97.50%		96.47%		97.38%		96.36%		

Metric Number:

* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting

D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:

a = Sample size less than or equal to 10 in September 2002
b = Sample size less than or equal to 10 in October 2002
c = Sample size less than or equal to 10 in November 2002
d = Sample size less than or equal to 10 in December 2002
e = Sample size less than or equal to 10 in January 2003

Appendix E

South Dakota Performance Metrics

The data in this appendix are taken from a letter from C. Jeffrey Tibbels, Attorney, Qwest, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-11 (filed February 28, 2003) (Qwest February 28A Ex Parte Letter) Attach. 1 (Statewide Average Performance Summary, CO, NM, OR, SD, Aug 02-Jan 03). This table is provided as a reference tool for the convenience of the reader. No conclusions are to be drawn from the raw data contained in this table. Our analysis is based on the totality of the circumstances, such that we may use non-metric evidence, and may rely more heavily on some metrics more than others, in making our determination. The inclusion of these particular metrics in this table does not necessarily mean that we relied on all of these metrics nor that other metrics may not also be important in our analysis. Some metrics that we have relied on in the past and may rely on for a future application were not included here because there was no data provided for them (usually either because there was no activity, or because the metrics are still under development). Metrics with no retail analog provided are usually compared with a benchmark. Note that for some metrics during the period provided, there may be changes in the metric definition, or changes in the retail analog applied, making it difficult to compare the data over time.

PERFORMANCE METRIC CATEGORIES

Metric Number	Metric Name
Billing	
BI-1	Time to Provide Recorded Usage Records
BI-2	Invoices Delivered within 10 Days
BI-3	Billing Accuracy - Adjustments for Errors
BI-4	Billing Completeness
BI-5	Billing Accuracy & Claims Processing
Collocation	
CP-1	Collocation Completion Interval
CP-2	Collocations Completed within Scheduled Intervals
CP-3	Collocation Feasibility Study Interval
CP-4	Collocation Feasibility Study Commitments Met
Directory Assistance	
DA-1	Speed of Answer - Directory Assistance
Database Updates	
DB-1	Time to Update Databases
DB-2	Accurate Database Updates
Electronic Gateway Availability	
GA-1	Gateway Availability - IMA-GUI
GA-2	Gateway Availability - IMA-EDI
GA-3	Gateway Availability - EB-TA
GA-4	System Availability - EXACT
GA-6	Gateway Availability - GUI - Repair
GA-7	Timely Outage Resolution Following Software Releases
Maintenance and Repair	
MR-2	Calls Answered within 20 Seconds - Interconnect Repair Ctr
MR-3	Out of Service Cleared within 24 Hours
MR-4	All Troubles Cleared within 48 Hours
MR-5	All Troubles Cleared within 4 Hours
MR-6	Mean Time to Restore
MR-7	Repair Repeat Report Rate
MR-8	Trouble Rate
MR-9	Repair Appointments Met
MR-10	Customer and Non-Qwest Related Trouble Reports
MR-11	LNP Trouble Reports Cleared within 24 Hours

Metric Number	Metric Name
Network Performance	
NI-1	Trunk Blocking
NP-1	NXX Code Activation
Order Accuracy	
OA-1	Order Accuracy, Default %
Ordering and Provisioning	
OP-2	Calls Answered within 20 Seconds - Interconnect Provisioning Center
OP-3	Installation Commitments Met
OP-4	Installation Interval
OP-5	New Service Installation Quality
OP-6A	Delayed Days for Non-Facility Reasons
OP-6B	Delayed Days for Facility Reasons
OP-7	Coordinated "Hot Cut" Interval - Unbundled Loop
OP-8	Number Portability Timeliness
OP-13	Coordinated Cuts - Unbundled Loop
OP-15A	Interval for Pending Orders Delayed
OP-15B	Number of Pending Orders Delayed for Facility Reasons
OP-17	Timeliness of Disconnects Associated with LNP Orders
Operator Services	
OS-1	Speed of Answer - Operator Services
Pre-Order/Order	
PO-1	Pre-Order/Order Response Times
PO-2	Electronic Flow-through
PO-3	LSR Rejection Notice Interval
PO-4	LSRs Rejected
PO-5	Firm Order Confirmations (FOCs) On Time
PO-6	Work Completion Notification Timeliness
PO-7	Billing Completion Notification Timeliness
PO-8	Jeopardy Notice Interval
PO-9	Timely Jeopardy Notices
PO-10	LSR Accountability
PO-15	Number of Due Date Changes per Order
PO-16	Timely Release Notifications
PO-19	Stand-Alone Test Environment (SATE) Accuracy
PO-20	Manual Service Order Accuracy

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
BILLING													
BI-1	**Time to Provide Recorded Usage Records**												
BI-1A	UNEs and Resale Aggregate, Avg Days		1.13	4.31	1.19	4.05	1.11	3.93	1.05	3.49	1.09	3.67	
BI-1B	Jointly-provided Switched Access, %		100%		100%		100%		100%		100%		
BI-1C-1	[CAT11], UNEs and Resale Aggregate, Avg Days		1.1	4.31	1.15	4.05	1.07	3.93	1.04	3.49	1.07	3.67	
BI-1C-2	[CAT10], UNEs and Resale Aggregate, Avg Days		1.32	4.31	1.4	4.05	1.35	3.93	1.12	3.49	1.31	3.67	
BI-2	**Invoices Delivered within 10 Days**												
BI-2	within 10 Days, All, %		100%		100%		100%		100%		100%		
BI-3	**Billing Accuracy - Adjustments for Errors**												
BI-3A	UNEs and Resale Aggregate, %		99.51%	99.07%	98.32%	98.94%	97.35%	99.29%	98.21%	99.21%	98.92%	99.61%	
BI-3B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-4	**Billing Completeness**												
BI-4A	UNEs and Resale Aggregate, %		94.83%	90.47%	98.52%	98.10%	94.34%	88.15%	99.13%	97.82%	97.40%	98.03%	
BI-4B	Reciprocal Compensation, %		100%		100%		100%		100%		100%		
BI-5	**Billing Accuracy & Claims Processing**												
BI-5A	Acknowledgment, All, %		99.70%		99.64%		99.60%		100%		99.36%		
BI-5B	Resolution, All, %		100%		100%		100%		100%		98.54%		
COLLOCATION													
CP-1	**Collocation Completion Interval when Scheduled Interval is…**												
CP-1C	121 to 150 Calendar Days, All, Avg Days										130		a b c d e
CP-2	**Collocations Completed within Scheduled Intervals**												
CP-2C	with Intervs Longer than 120 Days, All, %										100%		a b c d e
CP-3	**Collocation Feasibility Study Interval**												
CP-3	All, Avg Days		7										a b c d e
CP-4	**Collocation Feasibility Study Commitments Met**												
CP-4	All, %		100%										a b c d e
DIRECTORY ASSISTANCE													
DA-1	**Speed of Answer - Directory Assistance**												
DA-1	Avg Sec			8.33		8.01		8.51		8.24		7.69	a b c d e
DATABASE UPDATES													
DB-1	**Time to Update Databases**												
DB-1A	E911, Hrs:Min		0:23		1:43		0:35		0:50		0:11		
DB-1B	LIDB, Avg Sec		1.27		1.75		1.46		1.47		1.42		

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
DB-1C-1	Directory Listing, Avg Sec		0.13		0.12		0.05		0.1		0.34		
DB-2	**Accurate Database Updates**												
DB-2C-1	Directory Listing, %		96.13%		96.89%		98.85%		97.45%		95.64%		
ELECTRONIC GATEWAY AVAILABILITY													
GA-1	**Gateway Availability - IMA-GUI**												
GA-1A	All, %		100%		99.33%		99.44%		99.67%		96.69%		
GA-1B	Fetch-n-Stuff, %		100%		100%		100%		100%				e
GA-1C	Data Arbiter, %		100%		100%		100%		100%				e
GA-1D	SIA, %		99.95%		100%		100%		100%		100%		
GA-2	**Gateway Availability - IMA-EDI**												
GA-2	All, %		99.80%		99.56%		99.39%		99.69%		96.69%		
GA-3	**Gateway Availability - EB-TA**												
GA-3	All, %		99.94%		100%		100%		100%		99.86%		
GA-4	**System Availability - EXACT**												
GA-4	All, %		100%		100%		100%		100%		100%		
GA-7	**Timely Outage Resolution Following Software Releases**												
GA-7	All, %												a b c d e
MAINTENANCE AND REPAIR													
MR-2	**Calls Answered within Twenty Seconds - Interconnect Repair Center**												
MR-2	All, %		85.75%	86.24%	92.98%	92.32%	92.43%	90.44%	89.25%	87.11%	88.46%	83.51%	
MR-3	**Out of Service Cleared within 24 Hours**												
MR-3	Basic Rate ISDN, %	ND	100%	100%		100%		100%		100%		100%	a b c d e
MR-3	Basic Rate ISDN, %	D		100%		100%		100%				100%	a b c d e
MR-3	Business, %	ND	100%	100%	100%	100%	100%	95.24%		100%	100%	100%	a b c d e
MR-3	Business, %	D	100%	84.48%	83.33%	92.91%	100%	89.58%		98.65%		87.91%	b c d e
MR-3	Centrex 21, %	ND	100%	100%	100%	100%		100%		100%	100%	100%	a b c d e
MR-3	Centrex 21, %	D	50.00%	83.33%	100%	100%	100%	81.25%	100%	100%	100%	100%	a b c d e
MR-3	Centrex, %	ND	100%	66.67%		100%		100%	100%	100%		100%	a b c d e
MR-3	Centrex, %	D	100%	80.00%		100%		100%		92.86%		90.91%	a b c d e
MR-3	Line Sharing, %	ND		95.58%		99.05%		97.44%		100%		97.62%	a b c d e
MR-3	Line Sharing, %	D		85.97%		91.32%		92.77%		94.35%		91.70%	a b c d e
MR-3	PBX, %	ND	100%	100%	100%	100%		100%		100%		100%	a b c d e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-3	PBX, %	D	100%		100%	100%	100%	100%		75.00%	100%	100%	a b c d e
MR-3	Qwest DSL, %			87.50%		85.71%		75.00%		100%		85.71%	a b c d e
MR-3	Residence, %	ND	100%	95.12%	100%	98.88%	100%	97.92%	100%	100%	100%	97.30%	e
MR-3	Residence, %	D	80.30%	86.13%	96.63%	91.13%	100%	93.20%	92.45%	93.80%	98.44%	92.29%	
MR-3	UBL - 2-wire, %			100%		100%	100%	100%	100%	100%		100%	a b c d e
MR-3	UBL - ADSL Qualified, %			87.50%		85.71%		75.00%		100%		85.71%	a b c d e
MR-3	UBL - Analog, %		100%	87.21%	95.45%	92.39%	100%	93.36%	100%	95.26%	100%	92.36%	
MR-3	UBL - ISDN Capable, %			100%		100%		100%		100%		100%	a b c d e
MR-3	UNE-P, POTS, %	ND	100%	95.58%	50.00%	99.05%	50.00%	97.44%	100%	100%	100%	97.62%	a b c d e
MR-3	UNE-P, POTS, %	D	63.64%	85.97%	100%	91.32%	87.50%	92.77%	100%	94.35%	100%	91.70%	b c d e
MR-3	UNE-P, Centrex, %	ND	100%	66.67%	100%	100%	100%	100%	100%	100%	100%	100%	a b c e
MR-3	UNE-P, Centrex, %	D	84.78%	80.00%	96.00%	100%	100%	100%	95.00%	92.86%	94.74%	90.91%	
MR-3	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%		100%		100%	a b c d e
MR-3	UNE-P, Centrex 21, %	D	66.67%	83.33%	100%	100%	100%	81.25%	100%	100%	100%	100%	a c d
MR-4	**All Troubles Cleared within 48 Hours**												
MR-4	Basic Rate ISDN, %	ND	100%	100%		100%		100%		100%		100%	a b c d e
MR-4	Basic Rate ISDN, %	D		100%		100%		100%				100%	a b c d e
MR-4	Business, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a c d e
MR-4	Business, %	D	93.75%	95.92%	100%	98.77%	100%	95.12%		97.00%		96.23%	b c d e
MR-4	Centrex 21, %	ND	100%	100%	100%	100%	100%	100%		100%	100%	100%	a b c d e
MR-4	Centrex 21, %	D	100%	100%	100%	96.30%	100%	100%	100%	100%	100%	100%	a b c d e
MR-4	Centrex, %	ND	100%	100%		100%		100%	100%	100%		100%	a b c d e
MR-4	Centrex, %	D	100%	90.00%		100%		100%		93.75%		95.83%	a b c d e
MR-4	Line Sharing, %	ND		98.71%		99.77%		99.63%		99.59%		100%	a b c d e
MR-4	Line Sharing, %	D		93.69%		97.08%		97.34%		97.67%		96.38%	a b c d e
MR-4	PBX, %	ND	100%	100%	100%	100%		100%		100%	100%	100%	a b c d e
MR-4	PBX, %	D	100%	0%	100%	100%	100%	100%		100%	100%	100%	a b c d e
MR-4	Qwest DSL, %			100%		100%		75.00%		100%		85.71%	a b c d e
MR-4	Residence, %	ND	96.67%	98.52%	100%	99.73%	100%	99.57%	95.65%	99.49%	100%	100%	
MR-4	Residence, %	D	93.24%	93.47%	100%	96.89%	100%	97.63%	98.41%	97.76%	100%	96.40%	
MR-4	UBL - 2-wire, %			100%		100%	100%	100%	100%	100%		100%	a b c d e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-4	UBL - ADSL Qualified, %			100%		100%		75.00%		100%		85.71%	a b c d e
MR-4	UBL - Analog, %		100%	94.67%	100%	97.63%	100%	97.81%	100%	98.09%	100%	97.12%	
MR-4	UBL - ISDN Capable, %			100%		100%		100%		100%		100%	a b c d e
MR-4	UNE-P, POTS, %	ND	100%	98.71%	100%	99.77%	33.33%	99.63%	100%	99.59%	100%	100%	a c d e
MR-4	UNE-P, POTS, %	D	80.00%	93.69%	100%	97.08%	100%	97.34%	100%	97.67%	100%	96.38%	c d e
MR-4	UNE-P, Centrex, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
MR-4	UNE-P, Centrex, %	D	98.15%	90.00%	96.88%	100%	100%	100%	96.30%	93.75%	96.30%	95.83%	
MR-4	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a c d e
MR-4	UNE-P, Centrex 21, %	D	100%	100%	100%	96.30%	100%	100%	100%	100%	100%	100%	a c d
MR-5	**All Troubles Cleared within 4 Hours**												
MR-5	DS0, %			85.00%	100%	75.86%		89.47%	71.43%	90.70%	100%	88.24%	a b c d e
MR-5	DS1, %		100%	81.25%		84.51%		87.50%		82.35%	100%	94.55%	a b c d e
MR-5	DS3, %					100%						100%	a b c d e
MR-5	E911, %												a b c d e
MR-5	EELs, %		0%				0%						a b c d e
MR-5	Frame Relay, %			73.91%		82.76%		86.67%		100%		87.50%	a b c d e
MR-5	ISDN Primary, %		100%					100%				100%	a b c d e
MR-5	LIS Trunk, %			100%		83.33%	100%	100%		100%	100%	100%	a b c d e
MR-5	UBL - 4-wire, %			81.25%		84.51%		87.50%		82.35%		94.55%	a b c d e
MR-5	UBL - DS1 Capable, %			81.25%	100%	84.51%		87.50%		82.35%	100%	94.55%	a b c d e
MR-5	UBL - DS3 Capable, %					100%						100%	a b c d e
MR-5	UDIT Above DS1 Level, %					100%						100%	a b c d e
MR-5	UDIT DS1, %			81.25%		84.51%		87.50%		82.35%		94.55%	a b c d e
MR-6	**Mean Time to Restore**												
MR-6	Basic Rate ISDN, Hrs:Min	ND	0:34	2:27		1:03		0:31		2:41		3:31	a b c d e
MR-6	Basic Rate ISDN, Hrs:Min	D		2:51		1:03		11:00				1:48	a b c d e
MR-6	Business, Hrs:Min	ND	4:43	5:18	3:46	3:11	1:06	7:08	1:51	3:47	1:12	2:35	a c d e
MR-6	Business, Hrs:Min	D	18:04	16:50	10:57	12:08	10:48	15:01		12:09		12:50	b c d e
MR-6	Centrex 21, Hrs:Min	ND	1:50	7:32	0:35	3:43	0:01	5:59		3:29	5:29	1:01	a b c d e
MR-6	Centrex 21, Hrs:Min	D	11:05	15:21	10:47	11:46	3:18	11:48	4:31	6:34	1:41	7:52	a b c d e
MR-6	Centrex, Hrs:Min	ND	2:27	10:17		7:02		3:13	0:07	1:52		0:52	a b c d e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-6	Centrex, Hrs:Min	D	0:55	18:35		7:00		14:28		12:06		13:14	a b c d e
MR-6	DS0, Hrs:Min			2:57	1:57	3:05		1:52	2:56	1:40	3:56	1:50	a b c d e
MR-6	DS1, Hrs:Min		2:03	2:46		3:09		2:03		2:25	0:52	1:43	a b c d e
MR-6	DS3, Hrs:Min					0:06						0:16	a b c d e
MR-6	E911, Hrs:Min												a b c d e
MR-6	EELs, Hrs:Min		4:24				7:23						a b c d e
MR-6	Frame Relay, Hrs:Min			5:26		2:00		1:46		1:21		2:06	a b c d e
MR-6	ISDN Primary, Hrs:Min		0:42					1:42				0:48	a b c d e
MR-6	Line Sharing, Hrs:Min	ND		7:06		5:31		5:09		4:05		4:58	a b c d e
MR-6	Line Sharing, Hrs:Min	D		17:48		14:38		14:47		13:17		14:42	a b c d e
MR-6	LIS Trunk, Hrs:Min			0:47		4:37	1:19	1:23		0:53	0:02	0:27	a b c d e
MR-6	PBX, Hrs:Min	ND	3:05	1:38	1:22	4:07		4:52		2:05	2:07	0:43	a b c d e
MR-6	PBX, Hrs:Min	D	5:13	22:19	21:09	7:08	2:22	12:06		20:42	23:28	22:06	a b c d e
MR-6	Qwest DSL, Hrs:Min			7:38		4:43		18:33		6:10		16:36	a b c d e
MR-6	Residence, Hrs:Min	ND	5:50	7:21	2:43	5:56	3:03	4:47	6:54	4:09	3:04	5:33	
MR-6	Residence, Hrs:Min	D	18:38	17:54	10:46	14:55	13:56	14:45	14:53	13:25	12:36	14:57	
MR-6	UBL - 2-wire, Hrs:Min			2:34		1:03	0:05	5:45	0:11	2:41		3:10	a b c d e
MR-6	UBL - 4-wire, Hrs:Min			2:46		3:09		2:03		2:25		1:43	a b c d e
MR-6	UBL - ADSL Qualified, Hrs:Min			7:38		4:43		18:33		6:10		16:36	a b c d e
MR-6	UBL - DS1 Capable, Hrs:Min			2:46	2:53	3:09		2:03		2:25	1:29	1:43	a b c d e
MR-6	UBL - DS3 Capable, Hrs:Min					0:06						0:16	a b c d e
MR-6	UBL Analog, Hrs:Min		7:18	15:43	6:46	12:45	7:06	12:48	3:23	11:16	3:34	12:43	
MR-6	UBL ISDN Capable, Hrs:Min			2:34		1:03		5:45		2:41		3:10	a b c d e
MR-6	UDIT Above DS1 Level, Hrs:Min					0:06						0:16	a b c d e
MR-6	UDIT DS1, Hrs:Min			2:46		3:09		2:03		2:25		1:43	a b c d e
MR-6	UNE-P, POTS, Hrs:Min	ND	3:56	7:06	3:41	5:31	15:04	5:09	3:03	4:05	5:44	4:58	a c d e
MR-6	UNE-P, POTS, Hrs:Min	D	2:23	17:48	10:24	14:38	8:57	14:47	6:58	13:17	8:29	14:42	c d e
MR-6	UNE-P, Centrex, Hrs:Min	ND	1:39	10:17	3:29	7:02	2:11	3:13	2:12	1:52	2:25	0:52	
MR-6	UNE-P, Centrex, Hrs:Min	D	15:48	18:35	13:23	7:00	11:05	14:28	12:04	12:06	12:01	13:14	
MR-6	UNE-P, Centrex 21, Hrs:Min	ND	8:41	7:32	1:38	3:43	2:33	5:59	0:02	3:29	9:45	1:01	a c d e
MR-6	UNE-P, Centrex 21, Hrs:Min	D	20:03	15:21	10:07	11:46	8:09	11:48	6:00	6:34	11:59	7:52	a c d

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7	**Repair Repeat Report Rate**												
MR-7	Basic Rate ISDN, %	ND	0%	11.11%		20.00%		50.00%		40.00%		0%	a b c d e
MR-7	Basic Rate ISDN, %	D		50.00%		40.00%		50.00%				50.00%	a b c d e
MR-7	Business, %	ND	0%	8.16%	41.67%	7.94%	33.33%	11.90%	0%	4.55%	0%	9.30%	a c d e
MR-7	Business, %	D	16.67%	14.09%	9.09%	10.37%	16.67%	12.70%		10.89%		12.26%	c d e
MR-7	Centrex 21, %	ND	0%	22.22%	28.57%	22.22%	0%	0%		0%	0%	0%	a b c d e
MR-7	Centrex 21, %	D	33.33%	0%	0%	14.81%	0%	11.11%	0%	14.29%	0%	0%	a b c d e
MR-7	Centrex, %	ND	0%	0%		12.50%		20.00%	0%	0%		0%	a b c d e
MR-7	Centrex, %	D	50.00%	8.33%		25.00%		0%		0%		8.33%	a b c d e
MR-7	DS0, %			31.67%	0%	18.97%		15.79%	28.57%	18.60%	0%	5.88%	a b c d e
MR-7	DS1, %		50.00%	27.08%		33.80%		22.50%		15.69%	0%	20.00%	a b c d e
MR-7	DS3, %					0%						0%	a b c d e
MR-7	E911, %												a b c d e
MR-7	EELs, %		0%				0%						a b c d e
MR-7	Frame Relay, %			13.04%		20.69%		16.67%		6.25%		25.00%	a b c d e
MR-7	ISDN Primary, %		0%					0%				0%	a b c d e
MR-7	Line Sharing, %	ND		50.00%		33.33%		66.67%		0%		27.27%	a b c d e
MR-7	Line Sharing, %	D		0%		100%		0%		0%		0%	a b c d e
MR-7	LIS Trunk, %			50.00%		33.33%	0%	40.00%		0%	0%	0%	a b c d e
MR-7	PBX, %	ND	0%	12.50%	0%	0%		0%		0%	0%	33.33%	a b c d e
MR-7	PBX, %	D	0%	0%	0%	0%	0%	0%		0%	0%	0%	a b c d e
MR-7	Qwest DSL, %			25.00%		42.86%		50.00%		0%		21.43%	a b c d e
MR-7	Residence, %	ND	16.67%	13.31%	11.36%	12.81%	7.89%	5.22%	13.04%	6.09%	8.82%	6.74%	
MR-7	Residence, %	D	8.00%	12.12%	10.48%	11.34%	10.91%	8.95%	7.94%	8.65%	6.41%	10.43%	
MR-7	UBL - 2-wire, %			23.08%		25.00%	0%	50.00%	0%	40.00%		10.00%	a b c d e
MR-7	UBL - 4-wire, %			27.08%		33.80%		22.50%		15.69%		20.00%	a b c d e
MR-7	UBL - ADSL Qualified, %			25.00%		42.86%		50.00%		0%		21.43%	a b c d e
MR-7	UBL - DS1 Capable, %			27.08%	50.00%	33.80%		22.50%		15.69%	33.33%	20.00%	a b c d e
MR-7	UBL - DS3 Capable, %					0%						0%	a b c d e
MR-7	UBL - Analog, %		25.64%	12.37%	4.26%	11.42%	25.00%	8.75%	5.13%	8.24%	4.76%	9.96%	
MR-7	UBL - ISDN Capable, %			23.08%		25.00%		50.00%		40.00%		10.00%	a b c d e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7	UDIT Above DS1 Level, %					0%						0%	a b c d e
MR-7	UDIT DS1, %			27.08%		33.80%		22.50%		15.69%		20.00%	a b c d e
MR-7	UNE-P, POTS, %	ND	0%	12.66%	42.86%	12.09%	33.33%	6.25%	20.00%	5.81%	0%	7.24%	a c d e
MR-7	UNE-P, POTS, %	D	25.00%	12.30%	0%	11.24%	20.00%	9.39%	0%	8.90%	0%	10.65%	c d e
MR-7	UNE-P, Centrex, %	ND	32.00%	0%	13.04%	12.50%	6.67%	20.00%	22.22%	0%	27.27%	0%	
MR-7	UNE-P, Centrex, %	D	12.50%	8.33%	6.25%	25.00%	16.67%	0%	6.90%	0%	10.71%	8.33%	
MR-7	UNE-P, Centrex 21, %	ND	0%	22.22%	16.67%	22.22%	12.50%	0%	0%	0%	40.00%	0%	a c d e
MR-7	UNE-P, Centrex 21, %	D	0%	0%	5.88%	14.81%	14.29%	11.11%	0%	14.29%	7.14%	0%	a c d
MR-7*	Basic Rate ISDN, %	ND		20.00%		25.00%		100%		50.00%			a b c d e
MR-7*	Basic Rate ISDN, %	D		50.00%		40.00%		50.00%					a b c d e
MR-7*	Business, %	ND	0%	5.00%	20.00%	2.56%		10.71%		6.90%			a b c d e
MR-7*	Business, %	D	17.65%	14.18%	10.00%	10.14%	0%	10.48%		10.34%			b c d e
MR-7*	Centrex 21, %	ND	0%	33.33%	50.00%	33.33%		0%		0%			a b c d e
MR-7*	Centrex 21, %	D	33.33%	0%	0%	20.00%	0%	11.76%	0%	16.67%			a b c d e
MR-7*	Centrex, %	ND	0%	0%		0%			0%	0%			a b c d e
MR-7*	Centrex, %	D	50.00%	9.52%		27.78%		0%		0%			a b c d e
MR-7*	DS0, %			31.11%	0%	20.00%		22.22%	33.33%	16.67%			a b c d e
MR-7*	DS1, %		100%	26.32%		38.18%		23.53%		16.22%			a b c d e
MR-7*	DS3, %												a b c d e
MR-7*	E911, %												a b c d e
MR-7*	EELs, %		0%				0%						a b c d e
MR-7*	Frame Relay, %			9.52%		26.09%		9.09%		6.67%			a b c d e
MR-7*	ISDN Primary, %							0%					a b c d e
MR-7*	Line Sharing, %	ND		66.67%		50.00%		66.67%		0%			a b c d e
MR-7*	Line Sharing, %	D		0%		100%							a b c d e
MR-7*	LIS Trunk, %			100%		33.33%	0%	25.00%		0%			a b c d e
MR-7*	PBX, %	ND	0%	25.00%		0%				0%			a b c d e
MR-7*	PBX, %	D	0%	0%		0%	0%	0%		0%			a b c d e
MR-7*	Qwest DSL, %			33.33%		66.67%		66.67%		0%			a b c d e
MR-7*	Residence, %	ND	16.67%	13.51%	10.00%	11.05%	4.76%	6.00%	16.67%	3.61%			e
MR-7*	Residence, %	D	8.96%	11.74%	10.68%	11.11%	11.54%	9.00%	6.56%	8.56%			e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-7*	UBL - 2-wire, %			33.33%		30.77%	0%	66.67%		50.00%			a b c d e
MR-7*	UBL - 4-wire, %			26.32%		38.18%		23.53%		16.22%			a b c d e
MR-7*	UBL - ADSL Qualified, %			33.33%		66.67%		66.67%		0%			a b c d e
MR-7*	UBL - DS1 Capable, %			26.32%	50.00%	38.18%		23.53%		16.22%			a b c d e
MR-7*	UBL - DS3 Capable, %												a b c d e
MR-7*	UBL - Analog, %		28.57%	12.00%	3.03%	10.84%	20.00%	8.92%	3.70%	8.23%			e
MR-7*	UBL - ISDN Capable, %			33.33%		30.77%		66.67%		50.00%			a b c d e
MR-7*	UDIT Above DS1 Level, %												a b c d e
MR-7*	UDIT DS1, %			26.32%		38.18%		23.53%		16.22%			a b c d e
MR-7*	UNE-P, POTS, %	ND	0%	12.50%	0%	9.55%	50.00%	7.03%	28.57%	4.46%			a b c d e
MR-7*	UNE-P, POTS, %	D	16.67%	11.95%	0%	11.02%	20.00%	9.15%	0%	8.75%			b c d e
MR-7*	UNE-P, Centrex, %	ND	26.67%	0%	8.33%	0%	0%		28.57%	0%			c e
MR-7*	UNE-P, Centrex, %	D	12.77%	9.52%	6.67%	27.78%	17.65%	0%	7.14%	0%			e
MR-7*	UNE-P, Centrex 21, %	ND	0%	33.33%	22.22%	33.33%	14.29%	0%	0%	0%			a b c d e
MR-7*	UNE-P, Centrex 21, %	D	0%	0%	5.88%	20.00%	14.29%	11.76%	0%	16.67%			a c d e
MR-8	**Trouble Rate**												
MR-8	Basic Rate ISDN, %		1.28%	0.69%	0%	1.07%	0%	0.21%	0%	0.27%	0%	0.54%	
MR-8	Business, %		0.87%	0.49%	1.01%	0.57%	0.49%	0.42%	0.13%	0.37%	0.25%	0.39%	
MR-8	Centrex 21, %		0.54%	0.42%	1.29%	0.86%	0.22%	0.51%	0.24%	0.32%	0.51%	0.27%	
MR-8	Centrex, %		2.86%	0.18%	0%	0.17%	0%	0.10%	0.65%	0.15%	0%	0.16%	e
MR-8	DS0, %		0%	0.59%	1.04%	0.56%	0%	0.36%	3.72%	0.41%	0.53%	0.33%	
MR-8	DS1, %		4.65%	0.89%	0%	1.31%	0%	0.72%	0%	0.93%	7.69%	1.00%	
MR-8	DS3, %			0%		0.27%		0%		0%		0.27%	a b c d e
MR-8	E911, %		0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	
MR-8	EELs, %		4.55%		0%		4.00%		0%		0%		
MR-8	Frame Relay, %			1.26%		1.61%		1.67%		0.90%		0.48%	a b c d e
MR-8	ISDN Primary, %		0.64%	0%	0%	0%	0%	0.01%	0%	0%	0%	0.03%	
MR-8	Line Sharing, %			1.13%		1.19%		0.77%		0.65%		0.64%	a b c d e
MR-8	LIS Trunk, %		0%	0.03%	0%	0.05%	0.02%	0.04%	0%	0.03%	0.01%	0.02%	
MR-8	PBX, %		0.14%	0.11%	0.13%	0.12%	0.07%	0.09%	0%	0.09%	0.21%	0.09%	
MR-8	Qwest DSL, %		0%	1.22%	0%	1.12%	0%	0.67%	0%	0.91%	0%	2.64%	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8	Residence, %		1.03%	1.31%	1.39%	1.37%	0.81%	0.87%	0.72%	0.73%	0.89%	0.72%	
MR-8	UBL - 2-wire, %		0%	0.69%	0%	1.07%	0.78%	0.21%	0.76%	0.27%	0%	0.54%	
MR-8	UBL - 4-wire, %			0.89%		1.31%		0.72%		0.93%		1.00%	a b c d e
MR-8	UBL - ADSL Qualified, %			1.22%		1.12%		0.67%		0.91%		2.64%	a b c d e
MR-8	UBL - DS1 Capable, %		0%	0.89%	5.41%	1.31%	0%	0.72%	0%	0.93%	6.25%	1.00%	
MR-8	UBL - DS3 Capable, %			0%		0.27%		0%		0%		0.27%	a b c d e
MR-8	UBL - Analog, %		0.72%	1.13%	0.81%	1.19%	0.26%	0.77%	0.52%	0.65%	0.54%	0.64%	
MR-8	UBL - ISDN Capable, %		0%	0.69%	0%	1.07%	0%	0.21%	0%	0.27%	0%	0.54%	
MR-8	UDIT Above DS1 Level, %		0%	0%	0%	0.27%	0%	0%	0%	0%	0%	0.27%	a b c d e
MR-8	UDIT DS1, %		0%	0.89%	0%	1.31%	0%	0.72%	0%	0.93%	0%	1.00%	a b c d e
MR-8	UNE-P, POTS, %		0.85%	1.13%	0.97%	1.19%	0.50%	0.77%	0.57%	0.65%	0.30%	0.64%	
MR-8	UNE-P, Centrex, %		0.75%	0.18%	0.53%	0.17%	0.33%	0.10%	0.53%	0.15%	0.48%	0.16%	
MR-8	UNE-P, Centrex 21, %		0.46%	0.42%	1.35%	0.86%	0.60%	0.51%	0.26%	0.32%	0.69%	0.27%	
MR-8*	Basic Rate ISDN, %		0%	0.48%	0%	0.70%	0%	0.16%	0%	0.21%			e
MR-8*	Business, %		0.72%	0.38%	0.66%	0.47%	0.27%	0.34%	0%	0.30%			e
MR-8*	Centrex 21, %		0.45%	0.17%	0.99%	0.56%	0.11%	0.36%	0.24%	0.21%			e
MR-8*	Centrex, %		2.29%	0.15%	0%	0.15%	0%	0.07%	0.65%	0.12%			e
MR-8*	DS0, %		0%	0.44%	0.52%	0.39%	0%	0.26%	3.19%	0.29%			e
MR-8*	DS1, %		2.33%	0.71%	0%	1.02%	0%	0.62%	0%	0.67%			e
MR-8*	DS3, %			0%		0%		0%		0%			a b c d e
MR-8*	E911, %		0%	0%	0%	0%	0%	0%	0%	0%			e
MR-8*	EELs, %		4.55%		0%		4.00%		0%				e
MR-8*	Frame Relay, %			1.15%		1.28%		1.22%		0.84%			a b c d e
MR-8*	ISDN Primary, %		0%	0%	0%	0%	0%	0.01%	0%	0%			e
MR-8*	Line Sharing, %			0.96%		1.03%		0.65%		0.53%			a b c d e
MR-8*	LIS Trunk, %		0%	0.02%	0%	0.05%	0.02%	0.03%	0%	0.02%			e
MR-8*	PBX, %		0.14%	0.06%	0%	0.07%	0.07%	0.02%	0%	0.05%			e
MR-8*	Qwest DSL, %		0%	0.91%	0%	0.48%	0%	0.50%	0%	0.55%			a b c d e
MR-8*	Residence, %		0.78%	1.12%	1.24%	1.19%	0.64%	0.75%	0.61%	0.60%			e
MR-8*	UBL - 2-wire, %		0%	0.48%	0%	0.70%	0.78%	0.16%	0%	0.21%			e
MR-8*	UBL - 4-wire, %			0.71%		1.02%		0.62%		0.67%			a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-8*	UBL - ADSL Qualified, %			0.91%		0.48%		0.50%		0.55%			a b c d e
MR-8*	UBL - DS1 Capable, %		0%	0.71%	5.41%	1.02%	0%	0.62%	0%	0.67%			e
MR-8*	UBL - DS3 Capable, %			0%		0%		0%		0%			a b c d e
MR-8*	UBL - Analog, %		0.52%	0.96%	0.57%	1.03%	0.24%	0.65%	0.36%	0.53%			e
MR-8*	UBL - ISDN Capable, %		0%	0.48%	0%	0.70%	0%	0.16%	0%	0.21%			e
MR-8*	UDIT Above DS1 Level, %		0%	0%	0%	0%	0%	0%	0%	0%			a b c d e
MR-8*	UDIT DS1, %		0%	0.71%	0%	1.02%	0%	0.62%	0%	0.67%			a b c d e
MR-8*	UNE-P, POTS, %		0.65%	0.96%	0.50%	1.03%	0.46%	0.65%	0.46%	0.53%			e
MR-8*	UNE-P, Centrex, %		0.57%	0.15%	0.41%	0.15%	0.25%	0.07%	0.47%	0.12%			e
MR-8*	UNE-P, Centrex 21, %		0.34%	0.17%	1.21%	0.56%	0.56%	0.36%	0.19%	0.21%			e
MR-9	**Repair Appointments Met**												
MR-9	Basic Rate ISDN, %	ND											a b c d e
MR-9	Business, %	ND	100%	97.96%	100%	98.41%	100%	97.62%	100%	100%	100%	100%	a c d e
MR-9	Business, %	D	88.89%	89.93%	100%	93.90%	100%	94.44%		97.03%		94.34%	c d e
MR-9	Centrex 21, %	ND	100%	100%	100%	100%	100%	100%		100%	100%	100%	a b c d e
MR-9	Centrex 21, %	D	100%	76.92%	83.33%	96.30%	100%	100%	100%	100%	100%	100%	a b c d e
MR-9	Centrex, %	ND	100%	100%		100%		80.00%	100%	100%		100%	a b c d e
MR-9	Centrex, %	D	100%	91.67%		90.00%		90.91%		94.44%		95.83%	a b c d e
MR-9	PBX, %	ND		100%		100%		100%		100%	100%	100%	a b c d e
MR-9	PBX, %	D	100%	100%	100%	100%	100%	100%		100%	100%	100%	a b c d e
MR-9	Residence, %	ND	100%	99.41%	97.73%	98.91%	100%	98.26%	95.65%	99.49%	100%	98.88%	
MR-9	Residence, %	D	94.67%	93.43%	90.48%	93.77%	100%	95.05%	95.24%	97.03%	98.72%	96.87%	
MR-9	UNE-P, POTS, %	ND	100%	99.22%	100%	98.84%	66.67%	98.16%	100%	99.59%	100%	99.10%	a c d e
MR-9	UNE-P, POTS, %	D	81.25%	93.11%	100%	93.78%	100%	94.98%	100%	97.03%	100%	96.56%	c d e
MR-10	**Customer and Non-Qwest Related Trouble Reports**												
MR-10	Basic Rate ISDN, %		0%	38.10%		28.57%		75.00%		58.33%	100%	54.55%	a b c d e
MR-10	Business, %		23.33%	33.33%	30.30%	30.58%	43.75%	31.15%	66.67%	36.68%	55.56%	33.18%	d e
MR-10	Centrex 21, %		33.33%	47.62%	50.00%	26.23%	60.00%	18.18%	33.33%	46.88%	20.00%	33.33%	a c d e
MR-10	Centrex, %		16.67%	33.33%		31.71%		51.52%	0%	10.71%		33.33%	a b c d e
MR-10	DS0, %			25.93%	0%	29.27%		40.63%	12.50%	38.57%	0%	37.04%	a b c d e
MR-10	DS1, %		0%	31.43%		27.55%		31.03%		35.44%	25.00%	32.93%	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
MR-10	DS3, %					66.67%				100%		0%	a b c d e
MR-10	E911, %												a b c d e
MR-10	Frame Relay, %			20.69%		23.68%		18.92%		27.27%		38.46%	a b c d e
MR-10	ISDN Primary, %		0%					33.33%		100%		42.86%	a b c d e
MR-10	LIS Trunk, %			20.00%		14.29%	0%	16.67%	100%	0%	0%	33.33%	a b c d e
MR-10	PBX, %		60.00%	43.75%	0%	16.67%	50.00%	41.67%		41.67%	25.00%	58.82%	a b c d e
MR-10	Qwest DSL, %			42.86%		56.25%		60.00%		68.75%		44.00%	a b c d e
MR-10	Residence, %		36.75%	29.92%	31.02%	29.25%	33.57%	33.03%	30.08%	34.72%	33.73%	34.28%	
MR-10	UBL - 2-wire, %		100%	38.10%	100%	28.57%	80.00%	75.00%	0%	58.33%	100%	54.55%	a b c d e
MR-10	UBL - 4-wire, %			31.43%		27.55%		31.03%		35.44%		32.93%	a b c d e
MR-10	UBL - ADSL Qualified, %			42.86%		56.25%		60.00%		68.75%		44.00%	a b c d e
MR-10	UBL - DS1 Capable, %			31.43%	0%	27.55%		31.03%		35.44%	40.00%	32.93%	a b c d e
MR-10	UBL - DS3 Capable, %					66.67%				100%		0%	a b c d e
MR-10	UBL - Analog, %		30.36%	30.27%	16.07%	29.39%	33.33%	32.80%	29.09%	34.98%	27.59%	34.14%	
MR-10	UBL - ISDN Capable, %			38.10%		28.57%		75.00%		58.33%		54.55%	a b c d e
MR-10	UDIT Above DS1 Level, %					66.67%				100%		0%	a b c d e
MR-10	UDIT DS1, %			31.43%		27.55%		31.03%		35.44%		32.93%	a b c d e
MR-10	UNE-P, POTS, %		30.00%	30.27%	34.21%	29.39%	35.00%	32.80%	34.78%	34.98%	46.67%	34.14%	
MR-10	UNE-P, Centrex, %		26.36%	33.33%	30.38%	31.71%	40.00%	51.52%	26.56%	10.71%	27.78%	33.33%	
MR-10	UNE-P, Centrex 21, %		33.33%	47.62%	29.27%	26.23%	25.00%	18.18%	56.25%	46.88%	29.63%	33.33%	
MR-11	**LNP Trouble Reports Cleared**												
MR-11A	within 4 Hrs, LNP, %			44.75%		57.82%		56.41%		75.40%	100%	48.81%	a b c d e
MR-11B	within 48 Hrs Volumes 0-20, LNP, Days			0.99		1.00		1.00		1.00	1.00	1.00	a b c d e
NETWORK PERFORMANCE													
NI-1	**Trunk Blocking**												
NI-1A	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0%		0%		0%		0%		0%		
NI-1B	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0.01%	0%	0%	0%	0%	
NI-1C	Trunk Blockage to Qwest Tandem Offices, LIS Trunk, %		0%		0%		0%		0%		0%		
NI-1D	Trunk Blockage to Qwest End Offices, LIS Trunk, %		0%	0%	0%	0%	0%	0.01%	0%	0%	0.08%	0%	
NP-1	**NXX Code Activation**												
NP-1A	All, %						100%						a b c d e
NP-1B	Facility Delays, All, %						0%						a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
ORDER ACCURACY													
OA-1	All, %		99.28%		99.63%		99.32%		99.77%		99.41%		
ORDERING AND PROVISIONING													
OP-2	**Calls Answered within Twenty Seconds - Interconnect Provisioning Center**												
OP-2	All, %		97.82%	82.25%	97.62%	86.07%	98.19%	77.80%	98.92%	84.04%	98.17%	75.49%	
OP-3	**Installation Commitments Met**												
OP-3	Basic Rate ISDN, %	ND	100%	100%			100%				100%		a b c d e
OP-3	Basic Rate ISDN, %	D				50.00%						100%	a b c d e
OP-3	Basic Rate ISDN, %			90.00%		83.33%		100%		76.92%		92.31%	a b c d e
OP-3	Business, %	D	81.82%	92.31%	71.43%	93.67%	100%	91.32%	100%	93.63%	100%	94.42%	b c d e
OP-3	Business, %	ND	100%	100%	90.00%	97.22%	100%	93.48%	100%	98.46%	100%	100%	b c d
OP-3	Centrex 21, %	ND	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
OP-3	Centrex 21, %	D	100%	100%	100%	75.00%	100%	90.91%	100%	91.67%	100%	81.25%	a b c d e
OP-3	Centrex, %	ND											a b c d e
OP-3	Centrex, %	D		93.88%		98.15%		96.67%		93.75%		86.21%	a b c d e
OP-3	DS0, %	ND							100%		100%		a b c d e
OP-3	DS0, %	D											a b c d e
OP-3	DS0, %		100%	25.00%	100%	50.00%	100%	66.67%	100%	97.87%		100%	a b c d e
OP-3	DS1, %			87.84%		83.08%		82.39%		77.33%		85.56%	a b c d e
OP-3	DS3, %			100%		100%		75.00%				50.00%	a b c d e
OP-3	E911, %									100%		100%	a b c d e
OP-3	EELs, %		100%		100%		0%						a b c d e
OP-3	Frame Relay, %			88.00%		87.50%		93.33%		76.92%		85.71%	a b c d e
OP-3	ISDN Primary, %	ND						100%		100%		100%	a b c d e
OP-3	ISDN Primary, %			89.47%		100%		87.88%		87.80%		95.35%	a b c d e
OP-3	Line Sharing, %	ND		99.07%		98.40%		99.49%		99.37%		99.77%	a b c d e
OP-3	Line Sharing, %	D		89.86%		91.98%		91.62%		91.88%		94.13%	a b c d e
OP-3	LIS Trunk, %		100%	100%	100%	87.50%	100%	100%	100%	80.00%	100%	100%	a b d e
OP-3	PBX, %	ND			100%		100%		100%		100%		a b c d e
OP-3	PBX, %	D		100%				100%	100%			100%	a b c d e
OP-3	PBX, %			0%	66.67%	100%	100%	33.33%			100%	60.00%	a b c d e
OP-3	Qwest DSL, %	ND		99.30%		99.16%		100%		100%		100%	a b c d e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-3	Qwest DSL, %	D		100%		87.50%		100%		0%		85.71%	a b c d e
OP-3	Qwest DSL, %												a b c d e
OP-3	Residence, %	ND	100%	99.05%	99.70%	98.43%	99.83%	99.65%	99.85%	99.41%	100%	99.76%	
OP-3	Residence, %	D	98.23%	89.11%	95.17%	91.36%	98.98%	91.72%	97.08%	91.30%	96.49%	94.01%	
OP-3	UBL - 2-wire, %		100%	90.91%	100%	78.57%	100%	100%	85.71%	76.92%	100%	92.86%	a c d
OP-3	UBL - 4-wire, %			87.84%		83.08%		82.39%		77.33%		85.56%	a b c d e
OP-3	UBL - ADSL Qualified, %			100%		87.50%		100%		0%		85.71%	a b c d e
OP-3	UBL - DS1 Capable, %		100%	87.84%	100%	83.08%	50.00%	82.39%	83.33%	77.33%	100%	85.56%	a b c d e
OP-3	UBL - DS3 Capable, %			100%		100%		75.00%				50.00%	a b c d e
OP-3	UBL - Analog, %	D											a b c d e
OP-3	UBL - Analog, %		99.12%	89.86%	99.36%	91.98%	99.82%	91.62%	99.30%	91.88%	99.85%	94.13%	
OP-3	UBL - Conditioned, %		100%		100%				100%				a b c d e
OP-3	UBL - ISDN Capable, %		100%	90.91%		78.57%		100%	100%	76.92%	100%	92.86%	a b c d e
OP-3	UDIT Above DS1 Level, %		100%	100%		100%		75.00%				50.00%	a b c d e
OP-3	UDIT DS1, %			87.84%		83.08%		82.39%		77.33%		85.56%	a b c d e
OP-3	UNE-P, POTS, %	ND	100%	99.07%	100%	98.40%	100%	99.49%	100%	99.37%	100%	99.77%	
OP-3	UNE-P, POTS, %	D	100%	89.86%	88.89%	91.98%	100%	91.62%	94.12%	91.88%	94.74%	94.13%	b c
OP-3	UNE-P, Centrex, %	ND	100%		96.00%		100%		93.33%		100%		
OP-3	UNE-P, Centrex, %	D	92.59%	93.88%	93.33%	98.15%	97.14%	96.67%	100%	93.75%	100%	86.21%	
OP-3	UNE-P, Centrex 21, %	ND	100%	100%	100%	100%	98.72%	100%	94.12%	100%	100%	100%	
OP-3	UNE-P, Centrex 21, %	D	100%	100%	100%	75.00%	80.00%	90.91%	100%	91.67%	92.31%	81.25%	a b c
OP-4	**Installation Interval**												
OP-4	Basic Rate ISDN, Avg Days	ND	2	0			2				3		a b c d e
OP-4	Basic Rate ISDN, Avg Days	D				3.5						4	a b c d e
OP-4	Basic Rate ISDN, Avg Days			12.7		10.55		8.63		9.67		10	a b c d e
OP-4	Business, Avg Days	ND	2.82	2.72	3	2.86	3	2.38	2.86	2.34	2.5	3.16	b c d e
OP-4	Business, Avg Days	D	8.36	6.81	9.43	5.94	4.57	5.46	3.71	5.89	3	5.84	b c d e
OP-4	Centrex 21, Avg Days	ND	3	3.09	7	3		2.33	1.5	3.75	2.75	3.44	a b c d e
OP-4	Centrex 21, Avg Days	D	11	6.75	2	7.13	6	7.55	6	4.25	1.5	8	a b c d e
OP-4	Centrex, Avg Days	ND											a b c d e
OP-4	Centrex, Avg Days	D		12		12.02		8.53		7.76		13.48	a b c d e

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	DS0, Avg Days	ND							3		5		a b c d e
OP-4	DS0, Avg Days	D											a b c d e
OP-4	DS0, Avg Days		7	15.25	4.67	14	6.5	10.25	7.67	8.08		4.5	a b c d e
OP-4	DS1, Avg Days			14.38		12.75		14.21		16.23		13.32	a b c d e
OP-4	DS3, Avg Days			15.67		19		21		13.2		15.33	a b c d e
OP-4	E911, Avg Days							44		9		25	a b c d e
OP-4	EELs, Avg Days						27						a b c d e
OP-4	Frame Relay, Avg Days			9		15.33							a b c d e
OP-4	ISDN Primary, Avg Days	ND						3		3		3	a b c d e
OP-4	ISDN Primary, Avg Days			12.89		10		11.68		10.3		11.63	a b c d e
OP-4	Line Sharing, Avg Days	ND		3.78		3.82		3.68		3.55		3.39	a b c d e
OP-4	Line Sharing, Avg Days	D		6.97		6		5.49		5.36		5.09	a b c d e
OP-4	LIS Trunk, Avg Days		18.3	17.8	16.83	15.63	16.36	13.33	14.75	19.5	15.2	18.71	a b d e
OP-4	PBX, Avg Days	ND			3.4		8		7		5		a b c d e
OP-4	PBX, Avg Days	D		2				3	4			5	a b c d e
OP-4	PBX, Avg Days			21	6.67	4	7	28.25		21.67	6	10.67	a b c d e
OP-4	Qwest DSL, Avg Days	ND		4.88		4.8		4.82		4.93		4.81	a b c d e
OP-4	Qwest DSL, Avg Days	D		5.5		6.25		5.57		8		6.43	a b c d e
OP-4	Qwest DSL, Avg Days												a b c d e
OP-4	Residence, Avg Days	ND	3.01	3.79	2.92	3.84	2.91	3.71	2.9	3.58	2.91	3.39	
OP-4	Residence, Avg Days	D	5.59	7.02	4.96	6.03	5.64	5.5	4.02	5.18	3.74	4.78	
OP-4	UBL - 2-wire, Avg Days			11.55	4.5	9.46	4	8.63	3.33	9.67	3.92	9.14	a b c d
OP-4	UBL - 4-wire, Avg Days			14.38		12.75		14.21		16.23		13.32	a b c d e
OP-4	UBL - ADSL Qualified, Avg Days			5.5		6.25		5.57		8		6.43	a b c d e
OP-4	UBL - DS1 Capable, Avg Days		8	14.38	8.5	12.75	10	14.21	6.25	16.23	16	13.32	a b c d e
OP-4	UBL - DS3 Capable, Avg Days			15.67		19		21		13.2		15.33	a b c d e
OP-4	UBL - Analog, Avg Days	D											a b c d e
OP-4	UBL - Analog, Avg Days		4.99	6.97	5.13	6	5.17	5.49	4.84	5.36	4.13	5.09	
OP-4	UBL - Conditioned, Avg Days		5						3				a b c d e
OP-4	UBL - ISDN Capable, Avg Days		4	11.55		9.46		8.63	3	9.67	3.33	9.14	a b c d e
OP-4	UDIT Above DS1 Level, Avg Days		8.5	15.67		19		21		13.2		15.33	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-4	UDIT DS1, Avg Days			14.38		12.75		14.21		16.23		13.32	a b c d e
OP-4	UNE-P, POTS, Avg Days	ND	3	3.78	3.05	3.82	2.92	3.68	2.76	3.55	3.27	3.39	
OP-4	UNE-P, POTS, Avg Days	D	6.62	6.97	3.44	6	3.88	5.49	5.35	5.36	3.21	5.09	b c
OP-4	UNE-P, Centrex, Avg Days	ND	3.74		4.04		5.07		4.5		3.7		e
OP-4	UNE-P, Centrex, Avg Days	D	6.14	12	5.2	12.02	4.89	8.53	4.45	7.76	5.56	13.48	
OP-4	UNE-P, Centrex 21, Avg Days	ND	3.45	3.09	2.81	3	2.95	2.33	3	3.75	2.33	3.44	e
OP-4	UNE-P, Centrex 21, Avg Days	D	4.5	6.75	5	7.13	5.8	7.55	4.53	4.25	3.62	8	a b c
OP-5	**New Service Installation Quality**												
OP-5	Basic Rate ISDN, %		100%	70.00%	100%	100%	100%	100%	100%	93.75%	100%	92.86%	a b c d e
OP-5	Business, %		74.19%	91.37%	100%	97.43%	100%	95.50%	100%	96.32%	90.91%	96.11%	
OP-5	Centrex 21, %		80.00%	83.33%	100%	95.45%	100%	85.00%	100%	100%	71.43%	100%	a b c d e
OP-5	Centrex, %			96.43%		100%		100%		100%		100%	a b c d e
OP-5	DS0, %		100%	0%	100%	100%	100%	100%	100%	96.15%	100%	100%	a b c d e
OP-5	DS1, %			94.39%		96.33%		97.18%		98.26%		92.22%	a b c d e
OP-5	DS3, %			100%		100%		100%		100%		100%	a b c d e
OP-5	E911, %			100%				100%		100%		100%	a b c d e
OP-5	EELs, %		100%		100%		0%		100%				a b c d e
OP-5	Frame Relay, %			98.11%		97.06%		91.67%		95.45%		100%	a b c d e
OP-5	ISDN Primary, %			100%		100%		100%		100%		100%	a b c d e
OP-5	Line Sharing, %			87.86%		92.36%		90.41%		90.45%		91.13%	a b c d e
OP-5	LIS Trunk, %		100%	100%	100%	71.43%	88.89%	100%	100%	100%	100%	100%	a b c d e
OP-5	PBX, %			100%	100%	100%	100%	100%	100%	100%	100%	100%	a b c d e
OP-5	Qwest DSL, %			100%		100%		100%		100%		100%	a b c d e
OP-5	Residence, %		95.50%	87.48%	94.65%	91.81%	96.63%	89.80%	95.28%	89.73%	96.33%	90.49%	
OP-5	UBL - 2-wire, %		100%	70.00%	100%	100%	100%	100%	100%	87.50%	100%	85.71%	a b d
OP-5	UBL - 4-wire, %			94.39%		96.33%		97.18%		98.26%		92.22%	a b c d e
OP-5	UBL - ADSL Qualified, %			100%		100%		100%		100%		100%	a b c d e
OP-5	UBL - DS1 Capable, %		100%	94.39%	100%	96.33%	100%	97.18%	100%	98.26%	66.67%	92.22%	a b c d e
OP-5	UBL - DS3 Capable, %			100%		100%		100%		100%		100%	a b c d e
OP-5	UBL - Analog, %		98.37%	59.96%	99.21%	77.00%	99.61%	71.75%	98.58%	71.00%	99.02%	73.04%	
OP-5	UBL - ISDN Capable, %		100%	70.00%	100%	100%		100%	100%	87.50%	100%	85.71%	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5	UDIT Above DS1 Level, %		100%	100%	100%	100%		100%		100%		100%	a b c d e
OP-5	UDIT DS1, %			94.39%		96.33%		97.18%		98.26%		92.22%	a b c d e
OP-5	UNE-P, POTS, %		96.15%	87.86%	97.08%	92.36%	97.45%	90.41%	97.87%	90.45%	100%	91.13%	
OP-5	UNE-P, Centrex, %		92.06%	96.43%	100%	100%	100%	100%	100%	100%	100%	100%	
OP-5	UNE-P, Centrex 21, %		93.10%	83.33%	98.01%	95.45%	98.78%	85.00%	96.97%	100%	92.86%	100%	
OP-5*	Basic Rate ISDN, %		100%	80.00%	100%	100%	100%	100%	100%	93.75%			a b c d e
OP-5*	Business, %		77.42%	94.05%	100%	97.11%	100%	97.11%	100%	96.32%			e
OP-5*	Centrex 21, %		80.00%	94.44%	100%	95.45%	100%	95.00%	100%	100%			a b c d e
OP-5*	Centrex, %			96.43%		100%		100%		100%			a b c d e
OP-5*	DS0, %		100%	60.00%	100%	100%	100%	100%	100%	96.15%			a b c d e
OP-5*	DS1, %			96.26%		97.25%		97.89%		99.13%			a b c d e
OP-5*	DS3, %			100%		100%		100%		100%			a b c d e
OP-5*	E911, %			100%				100%		100%			a b c d e
OP-5*	EELs, %		100%		50.00%		0%		100%				a b c d e
OP-5*	Frame Relay, %			98.11%		100%		100%		95.45%			a b c d e
OP-5*	ISDN Primary, %			100%		100%		100%		100%			a b c d e
OP-5*	Line Sharing, %			89.21%		91.67%		90.93%		91.17%			a b c d e
OP-5*	LIS Trunk, %		100%	100%	87.50%	100%	88.89%	100%	100%	100%			a b c d e
OP-5*	PBX, %			100%	100%	100%	100%	100%	100%	100%			a b c d e
OP-5*	Qwest DSL, %			100%		100%		100%		100%			a b c d e
OP-5*	Residence, %		96.91%	88.68%	96.91%	91.08%	96.87%	90.19%	95.52%	90.54%			e
OP-5*	UBL - 2-wire, %		100%	80.00%	100%	100%	100%	100%	100%	87.50%			a b d e
OP-5*	UBL - 4-wire, %			96.26%		97.25%		97.89%		99.13%			a b c d e
OP-5*	UBL - ADSL Qualified, %			100%		100%		100%		100%			a b c d e
OP-5*	UBL - DS1 Capable, %		100%	96.26%	100%	97.25%	100%	97.89%	100%	99.13%			a b c d e
OP-5*	UBL - DS3 Capable, %			100%		100%		100%		100%			a b c d e
OP-5*	UBL - Analog, %		98.95%	64.41%	99.68%	74.90%	99.61%	73.27%	98.96%	73.18%			e
OP-5*	UBL - ISDN Capable, %		100%	80.00%	100%	100%		100%	100%	87.50%			a b c d e
OP-5*	UDIT Above DS1 Level, %		100%	100%	100%	100%		100%		100%			a b c d e
OP-5*	UDIT DS1, %			96.26%		97.25%		97.89%		99.13%			a b c d e
OP-5*	UNE-P, POTS, %		96.15%	89.21%	97.81%	91.67%	98.09%	90.93%	98.94%	91.17%			e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-5*	UNE-P, Centrex, %		95.24%	96.43%	100%	100%	100%	100%	100%	100%			e
OP-5*	UNE-P, Centrex 21, %		93.10%	94.44%	98.68%	95.45%	98.78%	95.00%	96.97%	100%			e
OP-6A	**Delayed Days for Non-Facility Reasons**												
OP-6A	Basic Rate ISDN, Avg Days	ND											a b c d e
OP-6A	Basic Rate ISDN, Avg Days	D				2							a b c d e
OP-6A	Basic Rate ISDN, Avg Days			37								9	a b c d e
OP-6A	Business, Avg Days	ND			2	1		1.67		1			a b c d e
OP-6A	Business, Avg Days	D		8	2	2.6		3.69		1.8		2.75	a b c d e
OP-6A	Centrex 21, Avg Days	ND											a b c d e
OP-6A	Centrex 21, Avg Days	D		1		2		8				6	a b c d e
OP-6A	Centrex, Avg Days	D		1						8.33		1	a b c d e
OP-6A	DS0, Avg Days	ND											a b c d e
OP-6A	DS0, Avg Days	D											a b c d e
OP-6A	DS0, Avg Days			21		20		10		8			a b c d e
OP-6A	DS1, Avg Days			16		4.8		20.83		13.6		21.6	a b c d e
OP-6A	DS3, Avg Days											2	a b c d e
OP-6A	EELs, Avg Days												a b c d e
OP-6A	Frame Relay, Avg Days			12				3		10		1	a b c d e
OP-6A	ISDN Primary, Avg Days			3				18.38		8.43		13.75	a b c d e
OP-6A	Line Sharing, Avg Days	ND		5.27		9.77		15.22		9		1.33	a b c d e
OP-6A	Line Sharing, Avg Days	D		5.56		4.42		3.83		2.54		2.39	a b c d e
OP-6A	LIS Trunk, Avg Days					4				10		18	a b c d e
OP-6A	PBX, Avg Days	D											a b c d e
OP-6A	PBX, Avg Days			9	2			40		34		4.5	a b c d e
OP-6A	Qwest DSL, Avg Days	ND				2							a b c d e
OP-6A	Qwest DSL, Avg Days	D				5				4		1	a b c d e
OP-6A	Qwest DSL, Avg Days												a b c d e
OP-6A	Residence, Avg Days	ND		5.27	2.5	10.07	2	22	2	9.89		1.33	a b c d e
OP-6A	Residence, Avg Days	D	6	4.7	4.75	4.89	6	3.94	2.5	2.81	3.6	2.2	a b c d e
OP-6A	UBL - 2-wire, Avg Days			37		2			3			9	a b c d e
OP-6A	UBL - 4-wire, Avg Days			16		4.8		20.83		13.6		21.6	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6A	UBL - ADSL Qualified, Avg Days					5				4		1	a b c d e
OP-6A	UBL - DS1 Capable, Avg Days			16		4.8	1	20.83	1	13.6	18	21.6	a b c d e
OP-6A	UBL - DS3 Capable, Avg Days											2	a b c d e
OP-6A	UBL - Analog, Avg Days	D											a b c d e
OP-6A	UBL - Analog, Avg Days		1.43	5.56	1.67	4.42	1	3.83	2.33	2.54	1	2.39	a b c d e
OP-6A	UBL - ISDN Capable, Avg Days			37		2						9	a b c d e
OP-6A	UDIT Above DS1 Level, Avg Days											2	a b c d e
OP-6A	UDIT DS1, Avg Days			16		4.8		20.83		13.6		21.6	a b c d e
OP-6A	UNE-P, POTS, Avg Days	ND		5.27		9.77	5	15.22	5	9		1.33	a b c d e
OP-6A	UNE-P, POTS, Avg Days	D		5.56		4.42		3.83	1	2.54	1	2.39	a b c d e
OP-6A	UNE-P, Centrex, Avg Days	ND			1				1				a b c d e
OP-6A	UNE-P, Centrex, Avg Days	D	3	1	2		1			8.33		1	a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	ND					3		2				a b c d e
OP-6A	UNE-P, Centrex 21, Avg Days	D		1		2	1	8			1	6	a b c d e
OP-6B	**Delayed Days for Facility Reasons**												
OP-6B	Basic Rate ISDN, Avg Days					16				1.33			a b c d e
OP-6B	Business, Avg Days	D	4.5	6.55	20	5.47		6.38		6.25		8.14	a b c d e
OP-6B	Centrex 21, Avg Days	D				3.5				3		2	a b c d e
OP-6B	Centrex, Avg Days	ND											a b c d e
OP-6B	Centrex, Avg Days	D		6		11		1				5	a b c d e
OP-6B	DS0, Avg Days			8.5									a b c d e
OP-6B	DS1, Avg Days			23.8		12.59		9.25		16.08		8.55	a b c d e
OP-6B	DS3, Avg Days							50					a b c d e
OP-6B	EELs, Avg Days						20						a b c d e
OP-6B	Frame Relay, Avg Days			15.5		21.5		50		7.5		16.5	a b c d e
OP-6B	ISDN Primary, Avg Days							17				17	a b c d e
OP-6B	Line Sharing, Avg Days	ND		4.67		18.33		3		7		2	a b c d e
OP-6B	Line Sharing, Avg Days	D		8.61		8.9		6.07		5.28		7.96	a b c d e
OP-6B	PBX, Avg Days	D											a b c d e
OP-6B	Residence, Avg Days	ND		4.67		18.33		3		7		2	a b c d e
OP-6B	Residence, Avg Days	D	2	8.98	11	9.87	1	6	9.75	5.14	3.67	7.89	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-6B	UBL - 2-wire, Avg Days					16				1.33			a b c d e
OP-6B	UBL - 4-wire, Avg Days			23.8		12.59		9.25		16.08		8.55	a b c d e
OP-6B	UBL - DS1 Capable, Avg Days			23.8		12.59		9.25		16.08		8.55	a b c d e
OP-6B	UBL - DS3 Capable, Avg Days							50					a b c d e
OP-6B	UBL - Analog, Avg Days	D											a b c d e
OP-6B	UBL - Analog, Avg Days			8.61		8.9		6.07	1.5	5.28		7.96	a b c d e
OP-6B	UBL - ISDN Capable, Avg Days					16				1.33			a b c d e
OP-6B	UDIT Above DS1 Level, Avg Days							50					a b c d e
OP-6B	UDIT DS1, Avg Days			23.8		12.59		9.25		16.08		8.55	a b c d e
OP-6B	UNE-P, POTS, Avg Days	ND		4.67		18.33		3		7		2	a b c d e
OP-6B	UNE-P, POTS, Avg Days	D		8.61	3	8.9		6.07		5.28		7.96	a b c d e
OP-6B	UNE-P, Centrex, Avg Days	ND											a b c d e
OP-6B	UNE-P, Centrex, Avg Days	D	8	6		11		1				5	a b c d e
OP-6B	UNE-P, Centrex 21, Avg Days	ND											a b c d e
OP-6B	UNE-P, Centrex 21, Avg Days	D				3.5				3		2	a b c d e
OP-7	**Coordinated "Hot Cut" Interval - Unbundled Loop**												
OP-7	Analog, Hrs:Min		0:02		0:03		0:03		0:04		0:03		
OP-8	**Number Portability Timeliness**												
OP-8B	with Loop Coordination, %		99.13%		100%		100%		100%		100%		
OP-8C	without Loop Coordination, %		99.68%		99.90%		99.92%		99.94%		99.79%		
OP-13A	**Coordinated Cuts Completed on Time - Unbundled Loop**												
OP-13A	UBL - Analog, %		100%		100%		100%		99.18%		100%		
OP-13A	UBL - Other, %		100%				100%		100%				a b c d e
OP-13B	**Coordinated Cuts Started Without CLEC Approval - Unbundled Loop**												
OP-13B	UBL - Analog, %		0%		0%		0%		0%		0%		
OP-13B	UBL - Other, %		0%				0%		0%				a b c d e
OP-15A	**Interval for Pending Orders Delayed Past Due Date**												
OP-15A	Basic Rate ISDN, Avg Days			208		251.8		271.8		292.8		286.82	a b c d e
OP-15A	Business, Avg Days		9	129.37		148		162.78		160.25		202.39	a b c d e
OP-15A	Centrex 21, Avg Days			97.83		75.83		77.57		76.11		99	a b c d e
OP-15A	Centrex, Avg Days					3		21					a b c d e
OP-15A	DS0, Avg Days			194.2		252		272		235		257	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15A	DS1, Avg Days			37.64		23.05		27.24		39.09		78.83	a b c d e
OP-15A	DS3, Avg Days			48.25		73.67		93.67		100		2.5	a b c d e
OP-15A	EELs, Avg Days				17								a b c d e
OP-15A	Frame Relay, Avg Days			45		69.25		137		62		72.6	a b c d e
OP-15A	ISDN Primary, Avg Days									12.5			a b c d e
OP-15A	PBX, Avg Days		0	245.5		268.5		346.67		223.4		374	a b c d e
OP-15A	Residence, Avg Days		11.71	52.35	1	71.99	8	109.52	3.83	133.19	1.25	152	a b c d e
OP-15A	UBL - 2-wire, Avg Days			208		251.8		271.8		292.8		286.82	a b c d e
OP-15A	UBL - 4-wire, Avg Days			37.64		23.05		27.24		39.09		78.83	a b c d e
OP-15A	UBL - DS1 Capable, Avg Days			37.64	6	23.05	16	27.24	1	39.09		78.83	a b c d e
OP-15A	UBL - DS3 Capable, Avg Days			48.25		73.67		93.67		100		2.5	a b c d e
OP-15A	UBL - Analog, Avg Days			108.4		111.44		142.11		145.22	15	184.8	a b c d e
OP-15A	UBL - ISDN Capable, Avg Days			208		251.8		271.8		292.8		286.82	a b c d e
OP-15A	UDIT Above DS1 Level, Avg Days			48.25		73.67		93.67		100		2.5	a b c d e
OP-15A	UDIT DS1, Avg Days			37.64		23.05		27.24		39.09		78.83	a b c d e
OP-15A	UNE-P, POTS, Avg Days		4	75.97		96.79		130.82	1	146.84	0	175.97	a b c d e
OP-15A	UNE-P, Centrex, Avg Days		11			3	8.33	21	23.33				a b c d e
OP-15A	UNE-P, Centrex 21, Avg Days			97.83		75.83	13	77.57		76.11		99	a b c d e
OP-15B	**Pending Orders Delayed for Facilities Reasons**												
OP-15B	Basic Rate ISDN			5		4		4		4		5	a b c d e
OP-15B	Business		1	13		11		12		14		9	a b c d e
OP-15B	Centrex					0		0					a b c d e
OP-15B	Centrex 21			1		1		0		0		0	a b c d e
OP-15B	DS0			0		0		0		0		0	a b c d e
OP-15B	DS1			9		12		10		6		4	a b c d e
OP-15B	DS3			4		2		2		1		1	a b c d e
OP-15B	EELs				1								a b c d e
OP-15B	Frame Relay			4		2		1		4		1	a b c d e
OP-15B	ISDN Primary									0			a b c d e
OP-15B	PBX		0	0		0		0		0		0	a b c d e
OP-15B	Residence		4	58	0	55	3	50	1	39	2	39	a b c d e

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
OP-15B	UBL - 2-wire			5		4		4		4		5	a b c d e
OP-15B	UBL - 4-wire			9		12		10		6		4	a b c d e
OP-15B	UBL - DS1 Capable			9	1	12	2	10	2	6		4	a b c d e
OP-15B	UBL - DS3 Capable			4		2		2		1		1	a b c d e
OP-15B	UBL - Analog			34		34		31		27	2	22	a b c d e
OP-15B	UBL - ISDN Capable			5		4		4		4		5	a b c d e
OP-15B	UDIT Above DS1 Level			4		2		2		1		1	a b c d e
OP-15B	UDIT DS1			9		12		10		6		4	a b c d e
OP-15B	UNE-P, POTS		0	71		66		62	0	53	0	48	a b c d e
OP-15B	UNE-P, Centrex		0			0	3	0	2				a b c d e
OP-15B	UNE-P, Centrex 21			1		1	1	0		0		0	a b c d e
OP-17	**Timeliness of Disconnects associated with LNP Orders**												
OP-17A	LNP, %		100%		100%		100%		100%		99.92%		
OP-17B	LNP, %		100%		100%		100%		100%		100%		
OPERATOR SERVICES													
OS-1	**Speed of Answer - Operator Services**												
OS-1	All, Avg Sec			8.91		8.46		8.2		8.25		9.03	a b c d e
PRE-ORDER/ORDER													
PO-1	**Pre-Order/Order Response Times**												
PO-1A-1(a)	Appt. Sched, GUI Req, Avg Sec		0.56		0.6		0.44		0.3		0.34		
PO-1A-1(b-c)	Appt. Sched, GUI Resp/Accept, Avg Sec		1.77		1.68		1.47		1.43		1.55		
PO-1A-1Total	Appt. Sched, GUI Aggregate, Avg Sec		2.33		2.28		1.91		1.73		1.89		
PO-1A-2(a)	Service Avail, GUI Req, Avg Sec		0.5		0.52		0.41		0.37		0.44		
PO-1A-2(b)	Service Avail, GUI Resp, Avg Sec		6.75		6.87		7.25		7.49		7.71		
PO-1A-2Total	Service Avail, GUI Aggregate, Avg Sec		7.25		7.4		7.66		7.86		8.14		
PO-1A-3(a)	Facility Check, GUI Req, Avg Sec		0.7		0.74		0.55		0.41		0.57		
PO-1A-3(b)	Facility Check, GUI Resp, Avg Sec		7.48		7.16		7.33		6.89		7		
PO-1A-3Total	Facility Check, GUI Aggregate, Avg Sec		8.18		7.9		7.88		7.3		7.57		
PO-1A-4(a)	Address Validation, GUI Req, Avg Sec		1.31		1.32		1.09		0.81		0.83		
PO-1A-4(b)	Address Validation, GUI Resp, Avg Sec		5.1		4.75		4.37		3.82		3.89		
PO-1A-4Total	Address Validation, GUI Aggregate, Avg Sec		6.41		6.07		5.47		4.64		4.72		
PO-1A-5(a)	Get CSR, GUI Req, Avg Sec		0.7		0.7		0.61		0.67		0.89		

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Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-1A-5(b)	Get CSR, GUI Resp, Avg Sec		5.59		5.74		5.71		6.22		6.55		
PO-1A-5Total	Get CSR, GUI Aggregate, Avg Sec		6.28		6.44		6.32		6.89		7.44		
PO-1A-6(a)	TN Reserv, GUI Req, Avg Sec		0.79		0.82		0.61		0.29		0.33		
PO-1A-6(b)	TN Reserv, GUI Resp, Avg Sec		4.5		4.45		4.83		5.05		4.78		
PO-1A-6(c)	TN Reserv, GUI Accept, Avg Sec		0.66		0.62		0.66		0.72		0.72		
PO-1A-6Total	TN Reserv, GUI Aggregate, Avg Sec		5.94		5.9		6.11		6.06		5.83		
PO-1A-7(a)	Loop Qual Tools, GUI Req, Avg Sec		1.05		1.1		0.94		0.74		0.78		
PO-1A-7(b)	Loop Qual Tools, GUI Resp, Avg Sec		5.75		6.82		6.74		6.88		6.94		
PO-1A-7Total	Loop Qual Tools, GUI Aggregate, Avg Sec		6.8		7.92		7.68		7.62		7.72		
PO-1A-8(a)	Resale of Qwest DSL Qual, GUI Req, Avg Sec		0.91		0.92		0.72		0.8		0.47		
PO-1A-8(b)	Resale of Qwest DSL Qual, GUI Resp, Avg Sec		5.63		6.14		8.14		6.94		7.4		
PO-1A-8Total	Resale of Qwest DSL Qual, GUI Aggregate, Avg Sec		6.54		7.06		8.86		7.74		7.87		
PO-1A-9(a)	Connecting Facility Assign, GUI Req, Avg Sec		0.44		0.54		0.36		0.27		0.27		
PO-1A-9(b)	Connecting Facility Assign, GUI Resp, Avg Sec		8.25		8.13		8.89		8.79		8.45		
PO-1A-9Total	Connecting Facility Assign, GUI Aggregate, Avg Sec		8.69		8.67		9.25		9.06		8.73		
PO-1A-10(a)	Meet Point Inquiry, GUI Req, Avg Sec		0.47		0.43		0.36		0.29		0.31		
PO-1A-10(b)	Meet Point Inquiry, GUI Resp, Avg Sec		4.87		5.19		4.96		4.91		4.81		
PO-1A-10Total	Meet Point Inquiry, GUI Aggregate, Avg Sec		5.34		5.62		5.32		5.2		5.12		
PO-1B-1	Appt. Sched, EDI Req/Resp, Avg Sec		3.55		3.54		3.34		3.36		3.39		
PO-1B-10	Meet Point Inquiry, EDI Req/Resp, Avg Sec		5.41		5.45		5.54		5.28		5.06		
PO-1B-2	Service Avail, EDI Req/Resp, Avg Sec		6.61		7.07		7.2		6.9		7.09		
PO-1B-3	Facility Check, EDI Req/Resp, Avg Sec		7.33		6.96		6.65		6.37		6.5		
PO-1B-4	Address Validation, EDI Req/Resp, Avg Sec		2.88		2.69		2.57		2.54		2.56		
PO-1B-5	Get CSR, EDI Req/Resp, Avg Sec		2.66		3.1		3.05		3.14		3.25		
PO-1B-6	TN Reserv, EDI Req/Resp, Avg Sec		5.18		5.21		5.41		5.46		5.24		
PO-1B-7	Loop Qual Tools, EDI Req/Resp, Avg Sec		7.24		7.28		7.09		6.84		7.12		
PO-1B-8	Resale of Qwest DSL Qual, EDI Req/Resp, Avg Sec		5.74		6.88		6.51		5.79		6.96		
PO-1B-9	Connecting Facility Assign, EDI Req/Resp, Avg Sec		8.03		8.48		8.51		8.4		8.1		
PO-1C-1	Timeout, GUI Total, %		0.04%		0.34%		0.48%		0.26%		0.28%		
PO-1C-2	Timeout, EDI Total, %		0.24%		0.14%		0.05%		0.01%		0.07%		
PO-1D-1	Rejected Query, GUI Total, Avg Sec		1.34		1.36		1.33		1.32		1.31		

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			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-1D-2	Rejected Query, EDI Total, Avg Sec		1.84		1.94		1.88		1.87		1.78		
PO-2	**Electronic Flow-through**												
PO-2A-1	GUI, LNP, %		53.48%		59.23%		58.76%		66.39%		74.98%		
PO-2A-1	GUI, Resale Aggregate W/O UNE-P-POTS, %		59.94%		61.48%		63.44%		72.45%		74.72%		
PO-2A-1	GUI, UBL Aggregate, %		38.78%		29.36%		30.15%		36.96%		43.08%		
PO-2A-1	GUI, UNE-P, POTS, %		45.28%		71.00%		56.27%		54.72%		55.90%		
PO-2A-2	EDI, LNP, %		0%		0%		0%						a b c d e
PO-2A-2	EDI, Resale Aggregate W/O UNE-P-POTS, %		30.43%		35.48%		32.43%		28.13%		36.00%		
PO-2A-2	EDI, UBL Aggregate, %		17.17%		38.63%		13.19%		9.70%		60.62%		
PO-2A-2	EDI, UNE-P, POTS, %						75.00%		75.00%		72.73%		a b c
PO-2B-1	All Eligible LSRs, GUI, LNP, %		96.77%		98.96%		97.23%		98.75%		99.19%		
PO-2B-1	All Eligible LSRs, GUI, Resale Aggregate W/O UNE-P-POTS, %		97.35%		96.92%		94.81%		98.07%		95.45%		
PO-2B-1	All Eligible LSRs, GUI, UBL Aggregate, %		90.48%		88.89%		85.42%		87.18%		93.33%		
PO-2B-1	All Eligible LSRs, GUI, UNE-P, POTS, %		79.12%		96.38%		93.08%		95.60%		97.32%		
PO-2B-2	All Eligible LSRs, EDI, Resale Aggregate W/O UNE-P-POTS, %		100%		100%		100%		100%		100%		d
PO-2B-2	All Eligible LSRs, EDI, UBL Aggregate, %		98.84%		94.74%		97.80%		92.50%		98.56%		
PO-2B-2	All Eligible LSRs, EDI, UNE-P, POTS, %						100%		81.82%		88.89%		a b c e
PO-3	**LSR Rejection Notice Interval**												
PO-3A-1	GUI - Rejected Manually, Product Aggregate, Hrs:Min		4:45		6:33		4:49		13:22		4:39		
PO-3A-2	GUI - Auto-Rejected, Product Aggregate, Min:Sec		0:03		0:03		0:03		0:03		0:07		
PO-3B-1	EDI - Rejected Manually, Product Aggregate, Hrs:Min		1:31		1:10		1:44		1:39		0:56		
PO-3B-2	EDI - Auto-Rejected, Product Aggregate, Min:Sec		0:05		0:05		0:03		0:03		0:01		
PO-3C	Manual and IIS, Product Aggregate, Hrs:Min		10:52		7:36		11:51		0:46		9:19		b c d e
PO-4	**LSRs Rejected**												
PO-4A-1	GUI - Rejected Manually, Product Aggregate, %		2.20%		2.59%		2.67%		2.82%		3.19%		
PO-4A-2	GUI - Auto-Rejected, Product Aggregate, %		31.56%		28.58%		32.61%		31.18%		31.23%		
PO-4B-1	EDI - Rejected Manually, Product Aggregate, %		4.67%		4.98%		3.81%		4.01%		3.27%		
PO-4B-2	EDI - Auto-Rejected, Product Aggregate, %		20.79%		22.15%		27.14%		26.33%		48.51%		
PO-4C	Facsimile , Product Aggregate, %		33.93%		15.56%		13.79%		53.85%		47.62%		
PO-5	**Firm Order Confirmations (FOCs) On Time**												
PO-5A-1(a)	Fully Elec LSRs Rec'd Via GUI, Resale Aggregate, %		100%		98.71%		99.85%		100%		100%		
PO-5A-1(b)	Fully Elec LSRs Rec'd Via GUI, UBL Aggregate, %		100%		100%		100%		100%		100%		

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			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-5A-1(c)	Fully Elec LSRs Rec'd Via GUI, LNP, %		100%		98.18%		99.53%		100%		100%		
PO-5A-2(a)	Fully Elec LSRs Rec'd Via EDI, Resale Aggregate, %		100%		100%		100%		100%		100%		
PO-5A-2(b)	Fully Elec LSRs Rec'd Via EDI, UBL Aggregate, %		100%		97.62%		98.81%		100%		100%		
PO-5B-1(a)	Elec/Manual LSRs Rec'd Via GUI, Resale Aggregate, %		90.23%		76.23%		84.17%		99.15%		96.29%		
PO-5B-1(b)	Elec/Manual LSRs Rec'd Via GUI, UBL Aggregate, %		100%		100%		98.82%		100%		97.06%		
PO-5B-1(c)	Elec/Manual LSRs Rec'd Via GUI, LNP, %		99.23%		100%		100%		100%		100%		
PO-5B-2(a)	Elec/Manual LSRs Rec'd Via EDI, Resale Aggregate, %		100%		99.60%		99.34%		100%		100%		
PO-5B-2(b)	Elec/Manual LSRs Rec'd Via EDI, UBL Aggregate, %		100%		100%		100%		100%		100%		
PO-5B-2(c)	Elec/Manual LSRs Rec'd Via EDI, LNP, %		100%		100%		100%						a b c d e
PO-5C-(a)	Manual, Resale Aggregate, %		100%		100%		100%		100%		100%		d e
PO-5C-(b)	Manual, UBL Aggregate, %		100%		100%		100%		100%		100%		b c d e
PO-5C-(c)	Manual, LNP, %		100%		100%		100%		100%		100%		a c d e
PO-5D	LIS Trunk, %		100%		100%		100%		100%		100%		a b d e
PO-6	**Work Completion Notification Timeliness**												
PO-6A	GUI, All, Hrs:Min		1:43		1:03		0:16		0:16		0:19		
PO-6B	EDI, All, Hrs:Min		1:31		0:23		0:07		0:20		0:13		
PO-7	**Billing Completion Notification Timeliness**												
PO-7A-C	GUI, All, %		97.22%	97.31%	96.38%	97.41%	97.38%	97.48%	97.92%	97.81%	97.56%	98.16%	
PO-7B-C	EDI, All, %			97.31%		97.41%		97.48%		97.81%		98.16%	a b c d e
PO-8	**Jeopardy Notice Interval**												
PO-8A	Non-Designed Services, Avg Days		6.27	5.06	2.36	4.7	5.86	4.89	2.85	5.6	2	5.89	c e
PO-8B	UBLs and LNP, Avg Days		4.86	5.06	5	4.7	4.17	4.89	4.67	5.6	6.35	5.89	a b c
PO-8C	LIS Trunk, Avg Days												a b c d e
PO-8D	UNE-P, POTS, Avg Days			5.06	1.5	4.7	2	4.89	2	5.6		5.89	a b c d e
PO-9	**Timely Jeopardy Notices**												
PO-9A	Non-Designed Services, %		50.00%	30.25%	25.00%	30.00%	33.33%	20.25%	44.44%	25.00%	11.11%	28.36%	a c d e
PO-9B	UBLs and LNP, %		0%	30.25%	0%	30.00%	0%	20.25%	22.22%	25.00%	66.67%	28.36%	a b c d e
PO-9C	LIS Trunk, %					0%							a b c d e
PO-9D	UNE-P, POTS, %			30.25%	100%	30.00%		20.25%		25.00%		28.36%	a b c d e
PO-10	**LSR Accountability**												
PO-10	Product Aggregate, %		100%		99.99%		100%		100%		100%		
PO-15	**Number of Due Date Changes per Order**												
PO-15	All, Avg Days		0.02	0.04	0.02	0.04	0.02	0.04	0.02	0.04	0.02	0.04	

SOUTH DAKOTA PERFORMANCE METRIC DATA

Metric Number	Metric Description	DR	SEP 2002		OCT 2002		NOV 2002		DEC 2002		JAN 2003		Notes
			CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	CLEC	Qwest	
PO-16	**Timely Release Notifications**												
PO-16	All, %		100%		100%				100%		100%		a b c d e
PO-19	**Stand-Alone Test Environment (SATE) Accuracy**												
PO-19	All, %		98.89%		99.11%		97.61%		98.28%		100%		
PO-19A	Rel. 10.0, %		98.45%		99.48%		97.42%		98.46%		100%		
PO-19A	Rel. 11.0, %				100%		98.17%		97.25%		100%		a
PO-19A	Rel. 8.0, %		98.94%										b c d e
PO-19A	Rel. 9.0, %		98.94%		100%		95.77%						d e
PO-19A	Rel. VICKI, %		100%		92.31%		100%		100%		100%		
PO-19B	All, %						97.06%						a b d e
PO-20	**Manual Service Order Accuracy**												
PO-20	Resale POTS and UNE-P, POTS, %		96.88%		97.22%		95.20%		94.40%		93.98%		
PO-20	UBLs, Analog & NL 2-wire, %		94.42%		97.50%		96.47%		97.38%		96.36%		

Metric Number:

* = Metrics recalculated after NTF tickets are excluded. These metrics have not been audited by a third party.

DR: Disaggregation Reporting

D = Dispatch (both within MSAs and outside MSAs)
ND = No Dispatch
blank = State Level

Notes:

a = Sample size less than or equal to 10 in September 2002
b = Sample size less than or equal to 10 in October 2002
c = Sample size less than or equal to 10 in November 2002
d = Sample size less than or equal to 10 in December 2002
e = Sample size less than or equal to 10 in January 2003

Appendix F
Statutory Requirements

I. STATUTORY FRAMEWORK

1. The 1996 Act conditions BOC entry into the market for provision of in-region interLATA services on compliance with certain provisions of section 271.[1] BOCs must apply to the Federal Communications Commission (Commission or FCC) for authorization to provide interLATA services originating in any in-region state.[2] The Commission must issue a written determination on each application no later than 90 days after receiving such application.[3] Section 271(d)(2)(A) requires the Commission to consult with the Attorney General before making any determination approving or denying a section 271 application. The Attorney General is entitled to evaluate the application "using any standard the Attorney General considers appropriate," and the Commission is required to "give substantial weight to the Attorney General's evaluation."[4]

2. In addition, the Commission must consult with the relevant state commission to verify that the BOC has one or more state-approved interconnection agreements with a facilities-based competitor, or a Statement of Generally Available Terms and Conditions (SGAT), and that either the agreement(s) or general statement satisfy the "competitive checklist."[5] Because the Act does not prescribe any standard for the consideration of a state commission's verification under section 271(d)(2)(B), the Commission has discretion in each section 271 proceeding to

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[1] For purposes of section 271 proceedings, the Commission uses the definition of the term "Bell Operating Company" contained in 47 U.S.C. § 153(4).

[2] 47 U.S.C. § 271(d)(1). For purposes of section 271 proceedings, the Commission utilizes the definition of the term "in-region state" that is contained in 47 U.S.C. § 271(i)(1). Section 271(j) provides that a BOC's in-region services include 800 service, private line service, or their equivalents that terminate in an in-region state of that BOC and that allow the called party to determine the interLATA carrier, even if such services originate out-of-region. *Id.* § 271(j). The 1996 Act defines "interLATA services" as "telecommunications between a point located in a local access and transport area and a point located outside such area." *Id.* § 153(21). Under the 1996 Act, a "local access and transport area" (LATA) is "a contiguous geographic area (A) established before the date of enactment of the [1996 Act] by a [BOC] such that no exchange area includes points within more than 1 metropolitan statistical area, consolidated metropolitan statistical area, or State, except as expressly permitted under the AT&T Consent Decree; or (B) established or modified by a [BOC] after such date of enactment and approved by the Commission." *Id.* § 153(25). LATAs were created as part of the Modification of Final Judgment's (MFJ) "plan of reorganization." *United States v. Western Elec. Co.*, 569 F. Supp. 1057 (D.D.C. 1983), *aff'd sub nom. California v. United States*, 464 U.S. 1013 (1983). Pursuant to the MFJ, "all [BOC] territory in the continental United States [was] divided into LATAs, generally centering upon a city or other identifiable community of interest." *United States v. Western Elec. Co.*, 569 F. Supp. 990, 993-94 (D.D.C. 1983).

[3] 47 U.S.C. § 271(d)(3).

[4] *Id*. § 271(d)(2)(A).

[5] *Id*. § 271(d)(2)(B).

determine the amount of weight to accord the state commission's verification.[6] The Commission has held that, although it will consider carefully state determinations of fact that are supported by a detailed and extensive record, it is the FCC's role to determine whether the factual record supports the conclusion that particular requirements of section 271 have been met.[7]

3. Section 271 requires the Commission to make various findings before approving BOC entry. In order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate, with respect to each state for which it seeks authorization, that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[8] In order to obtain authorization under section 271, the BOC must also show that: (1) it has "fully implemented the competitive checklist" contained in section 271(c)(2)(B);[9] (2) the requested authorization will be carried out in accordance with the requirements of section 272;[10] and (3) the BOC's entry into the in-region interLATA market is "consistent with the public interest, convenience, and necessity."[11] The statute specifies that, unless the Commission finds that these criteria have been satisfied, the Commission "shall not approve" the requested authorization.[12]

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[6] *Bell Atlantic New York Order*, 15 FCC Rcd at 3962, para. 20; *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended*, CC Docket No. 97-137, 12 FCC Rcd 20543, 20559-60 (1997) (*Ameritech Michigan Order*). As the D.C. Circuit has held, "[a]lthough the Commission must consult with the state commissions, the statute does not require the Commission to give State Commissions' views any particular weight." *SBC Communications Inc. v. FCC*, 138 F.3d 410, 416 (D.C. Cir. 1998).

[7] *Ameritech Michigan Order*, 12 FCC Rcd at 20560; *SBC Communications v. FCC*, 138 F.3d at 416-17.

[8] 47 U.S.C. § 271(d)(3)(A). *See* Section III, *infra*, for a complete discussion of Track A and Track B requirements.

[9] *Id.* §§ 271(c)(2)(B), 271(d)(3)(A)(i).

[10] *Id.* § 272; *see Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *recon.*, Order on Reconsideration, 12 FCC Rcd 2297 (1997), *review pending sub nom.*, *SBC Communications v. FCC*, No. 97-1118 (D.C. Cir., filed Mar. 6, 1997) (held in abeyance pursuant to court order filed May 7, 1997), *remanded in part sub nom.*, *Bell Atlantic Telephone Companies v. FCC*, No. 97-1067 (D.C. Cir., filed Mar. 31, 1997), *on remand*, Second Order on Reconsideration, FCC 97-222 (rel. June 24, 1997), *petition for review denied sub nom. Bell Atlantic Telephone Companies v. FCC*, 113 F.3d 1044 (D.C. Cir. 1997); *Implementation of the Telecommunications Act of 1996; Accounting Safeguards Under the Telecommunications Act of 1996*, Report and Order, 11 FCC Rcd 17539 (1996).

[11] 47 U.S.C. § 271(d)(3)(C).

[12] *Id.* § 271(d)(3); *see SBC Communications, Inc. v. FCC*, 138 F.3d at 416.

II. PROCEDURAL AND ANALYTICAL FRAMEWORK

4. To determine whether a BOC applicant has met the prerequisites for entry into the long distance market, the Commission evaluates its compliance with the competitive checklist, as developed in the FCC's local competition rules and orders in effect at the time the application was filed. Despite the comprehensiveness of these rules, there will inevitably be, in any section 271 proceeding, disputes over an incumbent LEC's precise obligations to its competitors that FCC rules have not addressed and that do not involve *per se* violations of self-executing requirements of the Act. As explained in prior orders, the section 271 process simply could not function as Congress intended if the Commission were required to resolve all such disputes as a precondition to granting a section 271 application.[13] In the context of section 271's adjudicatory framework, the Commission has established certain procedural rules governing BOC section 271 applications.[14] The Commission has explained in prior orders the procedural rules it has developed to facilitate the review process.[15] Here we describe how the Commission considers the evidence of compliance that the BOC presents in its application.

5. As part of the determination that a BOC has satisfied the requirements of section 271, the Commission considers whether the BOC has fully implemented the competitive checklist in subsection (c)(2)(B). The BOC at all times bears the burden of proof of compliance with section 271, even if no party challenges its compliance with a particular requirement.[16] In demonstrating its compliance, a BOC must show that it has a concrete and specific legal obligation to furnish the item upon request pursuant to state-approved interconnection agreements that set forth prices and other terms and conditions for each checklist item, and that it is currently furnishing, or is ready to furnish, the checklist items in quantities that competitors may reasonably demand and at an acceptable level of quality.[17] In particular, the BOC must demonstrate that it is offering interconnection and access to network elements on a

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[13] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6246, para. 19; *see also American Tel. & Tel. Co. v. FCC*, 220 F.3d 607, 631 (D.C. Cir. 2000).

[14] *See Procedures for Bell Operating Company Applications Under New Section 271 of the Communications Act*, Public Notice, 11 FCC Rcd 19708, 19711 (1996); *Revised Comment Schedule For Ameritech Michigan Application, as amended, for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Services in the State of Michigan*, Public Notice, DA 97-127 (rel. Jan. 17, 1997); *Revised Procedures for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 13 FCC Rcd 17457 (1997); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 99-1994 (rel. Sept. 28, 1999); *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (collectively "271 Procedural Public Notices").

[15] *See, e.g.*, *SWBT Kansas/Oklahoma Order* 16 FCC Rcd at 6247-50, paras. 21-27; *SWBT Texas Order*, 15 FCC Rcd at 18370-73, paras. 34-42; *Bell Atlantic New York Order*, 15 FCC Rcd at 3968-71, paras. 32-42.

[16] *See SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[17] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3973-74, para. 52.

nondiscriminatory basis.[18] Previous Commission orders addressing section 271 applications have elaborated on this statutory standard.[19] First, for those functions the BOC provides to competing carriers that are analogous to the functions a BOC provides to itself in connection with its own retail service offerings, the BOC must provide access to competing carriers in "substantially the same time and manner" as it provides to itself.[20] Thus, where a retail analogue exists, a BOC must provide access that is equal to (i.e., substantially the same as) the level of access that the BOC provides itself, its customers, or its affiliates, in terms of quality, accuracy, and timeliness.[21] For those functions that have no retail analogue, the BOC must demonstrate that the access it provides to competing carriers would offer an efficient carrier a "meaningful opportunity to compete."[22]

6. The determination of whether the statutory standard is met is ultimately a judgment the Commission must make based on its expertise in promoting competition in local markets and in telecommunications regulation generally.[23] The Commission has not established, nor does it believe it appropriate to establish, specific objective criteria for what constitutes "substantially the same time and manner" or a "meaningful opportunity to compete."[24] Whether this legal standard is met can only be decided based on an analysis of specific facts and circumstances. Therefore, the Commission looks at each application on a case-by-case basis and considers the totality of the circumstances, including the origin and quality of the information in the record, to determine whether the nondiscrimination requirements of the Act are met.

A. Performance Data

7. As established in prior section 271 orders, the Commission has found that performance measurements provide valuable evidence regarding a BOC's compliance or noncompliance with individual checklist items. The Commission expects that, in its *prima facie* case in the initial application, a BOC relying on performance data will:

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[18] *See* 47 U.S.C. § 271(c)(2)(B)(i), (ii).

[19] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6250-51, paras. 28-29; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971-72, paras. 44-46.

[20] *SWBT Texas Order*, 15 FCC Rcd at 18373, para. 44; *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44.

[21] *Bell Atlantic New York Order*, 15 FCC Rcd at 3971, para. 44; *Ameritech Michigan Order*, 12 FCC Rcd at 20618-19.

[22] *Id.*

[23] *SWBT Texas Order*, 15 FCC Rcd at 18374, para. 46; *Bell Atlantic New York Order*, 15 FCC Rcd at 3972, para. 46.

[24] *Id.*

a) provide sufficient performance data to support its contention that the statutory requirements are satisfied;

b) identify the facial disparities between the applicant's performance for itself and its performance for competitors;

c) explain why those facial disparities are anomalous, caused by forces beyond the applicant's control (e.g., competing carrier-caused errors), or have no meaningful adverse impact on a competing carrier's ability to obtain and serve customers; and

d) provide the underlying data, analysis, and methodologies necessary to enable the Commission and commenters meaningfully to evaluate and contest the validity of the applicant's explanations for performance disparities, including, for example, carrier specific carrier-to-carrier performance data.

8. The Commission has explained in prior orders that parity and benchmark standards established by state commissions do not represent absolute maximum or minimum levels of performance necessary to satisfy the competitive checklist. Rather, where these standards are developed through open proceedings with input from both the incumbent and competing carriers, these standards can represent informed and reliable attempts to objectively approximate whether competing carriers are being served by the incumbent in substantially the same time and manner, or in a way that provides them a meaningful opportunity to compete.[25] Thus, to the extent there is no statistically significant difference between a BOC's provision of service to competing carriers and its own retail customers, the Commission generally need not look any further. Likewise, if a BOC's provision of service to competing carriers satisfies the performance benchmark, the analysis is usually done. Otherwise, the Commission will examine the evidence further to make a determination whether the statutory nondiscrimination requirements are met.[26] Thus, the Commission will examine the explanations that a BOC and others provide about whether these data accurately depict the quality of the BOC's performance. The Commission also may examine how many months a variation in performance has existed and what the recent trend has been. The Commission may find that statistically significant differences exist, but conclude that such differences have little or no competitive significance in the marketplace. In such cases, the Commission may conclude that the differences are not meaningful in terms of statutory compliance. Ultimately, the determination of whether a BOC's performance meets the statutory requirements necessarily is a contextual decision based on the totality of the circumstances and information before the Commission.

9. Where there are multiple performance measures associated with a particular checklist item, the Commission would consider the performance demonstrated by all the measurements as a whole. Accordingly, a disparity in performance for one measure, by itself,

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[25] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6252, para. 31; *SWBT Texas Order*, 15 FCC Rcd at 18377, para. 55 & n.102.

[26] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3970, para. 59.

may not provide a basis for finding noncompliance with the checklist. The Commission may also find that the reported performance data are affected by factors beyond a BOC's control, a finding that would make it less likely to hold the BOC wholly accountable for the disparity. This is not to say, however, that performance discrepancies on a single performance metric are unimportant. Indeed, under certain circumstances, disparity with respect to one performance measurement may support a finding of statutory noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

10. In sum, the Commission does not use performance measurements as a substitute for the 14-point competitive checklist. Rather, it uses performance measurements as valuable evidence with which to inform the judgment as to whether a BOC has complied with the checklist requirements. Although performance measurements add necessary objectivity and predictability to the review, they cannot wholly replace the Commission's own judgment as to whether a BOC has complied with the competitive checklist.

B. Relevance of Previous Section 271 Approvals

11. In some section 271 applications, the volumes of the BOC's commercial orders may be significantly lower than they were in prior proceedings. In certain instances, volumes may be so low as to render the performance data inconsistent and inconclusive.[27] Performance data based on low volumes of orders or other transactions are not as reliable an indicator of checklist compliance as performance based on larger numbers of observations. Indeed, where performance data are based on a low number of observations, small variations in performance may produce wide swings in the reported performance data. It is thus not possible to place the same evidentiary weight upon – and to draw the same types of conclusions from – performance data where volumes are low, as for data based on more robust activity.

12. In such cases, findings in prior, related section 271 proceedings may be a relevant factor in the Commission's analysis. Where a BOC provides evidence that a particular system reviewed and approved in a prior section 271 proceeding is also used in the proceeding at hand, the Commission's review of the same system in the current proceeding will be informed by the findings in the prior one. Indeed, to the extent that issues have already been briefed, reviewed and resolved in a prior section 271 proceeding, and absent new evidence or changed circumstances, an application for a related state should not be a forum for re-litigating and reconsidering those issues. Appropriately employed, such a practice can give us a fuller picture of the BOC's compliance with the section 271 requirements while avoiding, for all parties

[27] The Commission has never required, however, an applicant to demonstrate that it processes and provisions a substantial commercial volume of orders, or has achieved a specific market share in its service area, as a prerequisite for satisfying the competitive checklist. *See Ameritech Michigan Order*, 12 FCC Rcd at 20585, para. 77 (explaining that Congress had considered and rejected language that would have imposed a "market share" requirement in section 271(c)(1)(A)).

involved in the section 271 process, the delay and expense associated with redundant and unnecessary proceedings and submissions.

13. However, the statute requires the Commission to make a separate determination of checklist compliance for each state and, accordingly, we do not consider any finding from previous section 271 orders to be dispositive of checklist compliance in current proceedings. While the Commission's review may be informed by prior findings, the Commission will consider all relevant evidence in the record, including state-specific factors identified by commenting parties, the states, the Department of Justice. However, the Commission has always held that an applicant's performance towards competing carriers in an actual commercial environment is the best evidence of nondiscriminatory access to OSS and other network elements.[28] Thus, the BOC's actual performance in the applicant state may be relevant to the analysis and determinations with respect to the 14 checklist items. Evidence of satisfactory performance in another state cannot trump convincing evidence that an applicant fails to provide nondiscriminatory access to a network element in the applicant state.

14. Moreover, because the Commission's review of a section 271 application must be based on a snapshot of a BOC's recent performance at the time an application is filed, the Commission cannot simply rely on findings relating to an applicant's performance in an anchor state at the time it issued the determination for that state. The performance in that state could change due to a multitude of factors, such as increased order volumes or shifts in the mix of the types of services or UNEs requested by competing carriers. Thus, even when the applicant makes a convincing showing of the relevance of anchor state data, the Commission must examine how recent performance in that state compares to performance at the time it approved that state's section 271 application, in order to determine if the systems and processes continue to perform at acceptable levels.

III. COMPLIANCE WITH ENTRY REQUIREMENTS – SECTIONS 271(c)(1)(A) & 271(c)(1)(B)

15. As noted above, in order for the Commission to approve a BOC's application to provide in-region, interLATA services, a BOC must first demonstrate that it satisfies the requirements of either section 271(c)(1)(A) (Track A) or 271(c)(1)(B) (Track B).[29] To qualify for Track A, a BOC must have interconnection agreements with one or more competing providers of "telephone exchange service . . . to residential and business subscribers."[30] The Act states that "such telephone service may be offered . . . either exclusively over [the competitor's] own telephone exchange service facilities or predominantly over [the competitor's] own telephone exchange facilities in combination with the resale of the telecommunications services

[28] *See SWBT Texas Order*, 15 FCC Rcd at 18376, para. 53; *Bell Atlantic New York Order*, 15 FCC Rcd at 3974, para. 53.

[29] *See* 47 U.S.C. § 271(d)(3)(A).

[30] *Id*.

of another carrier."[31] The Commission concluded in the *Ameritech Michigan Order* that section 271(c)(1)(A) is satisfied if one or more competing providers collectively serve residential and business subscribers.[32]

16. As an alternative to Track A, Section 271(c)(1)(B) permits BOCs to obtain authority to provide in-region, interLATA services if, after 10 months from the date of enactment, no facilities-based provider, as described in subparagraph (A), has requested the access and interconnection arrangements described therein (referencing one or more binding agreements approved under Section 252), but the state has approved an SGAT that satisfies the competitive checklist of subsection (c)(2)(B). Under section 271(d)(3)(A)(ii), the Commission shall not approve such a request for in-region, interLATA service unless the BOC demonstrates that, "with respect to access and interconnection generally offered pursuant to [an SGAT], such statement offers all of the items included in the competitive checklist."[33] Track B, however, is not available to a BOC if it has already received a request for access and interconnection from a prospective competing provider of telephone exchange service.[34]

IV. COMPLIANCE WITH THE COMPETITIVE CHECKLIST – SECTION 271(c)(2)(B)

A. Checklist Item 1 – Interconnection

17. Section 271(c)(2)(B)(i) of the Act requires a section 271 applicant to provide "[i]nterconnection in accordance with the requirements of sections 251(c)(2) and 252(d)(1)."[35] Section 251(c)(2) imposes a duty on incumbent LECs "to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network . . . for the transmission and routing of telephone exchange service and exchange access."[36] In the *Local Competition First Report and Order*, the Commission concluded that interconnection referred "only to the physical linking of two networks for the

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[31] *Id*.

[32] *See Ameritech Michigan Order*, 12 FCC Rcd at 20589, para. 85; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20633-35, paras. 46-48.

[33] 47 U.S.C. § 271(d)(3)(A)(ii).

[34] *See Ameritech Michigan Order*, 12 FCC Rcd at 20561-62, para. 34. Nevertheless, the above-mentioned foreclosure of Track B as an option is subject to limited exceptions. *See* 47 U.S.C. § 271(c)(1)(B); *see also Ameritech Michigan Order*, 12 FCC Rcd at 20563-64, paras. 37-38.

[35] 47 U.S.C. § 271(c)(2)(B)(i); *see Bell Atlantic New York Order*, 15 FCC Rcd at 3977-78, para. 63; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640, para. 61; *Ameritech Michigan Order*, 12 FCC Rcd at 20662, para. 222.

[36] 47 U.S.C. § 251(c)(2)(A).

mutual exchange of traffic."[37] Section 251 contains three requirements for the provision of interconnection. First, an incumbent LEC must provide interconnection "at any technically feasible point within the carrier's network."[38] Second, an incumbent LEC must provide interconnection that is "at least equal in quality to that provided by the local exchange carrier to itself."[39] Finally, the incumbent LEC must provide interconnection "on rates, terms, and conditions that are just, reasonable, and nondiscriminatory, in accordance with the terms of the agreement and the requirements of [section 251] and section 252."[40]

18. To implement the equal-in-quality requirement in section 251, the Commission's rules require an incumbent LEC to design and operate its interconnection facilities to meet "the same technical criteria and service standards" that are used for the interoffice trunks within the incumbent LEC's network.[41] In the *Local Competition First Report and Order*, the Commission identified trunk group blockage and transmission standards as indicators of an incumbent LEC's technical criteria and service standards.[42] In prior section 271 applications, the Commission concluded that disparities in trunk group blockage indicated a failure to provide interconnection to competing carriers equal-in-quality to the interconnection the BOC provided to its own retail operations.[43]

19. In the *Local Competition First Report and Order*, the Commission concluded that the requirement to provide interconnection on terms and conditions that are "just, reasonable, and nondiscriminatory" means that an incumbent LEC must provide interconnection to a competitor in a manner no less efficient than the way in which the incumbent LEC provides the

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[37] *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, First Report and Order, 11 FCC Rcd 15499, 15590, para. 176 (1996) (*Local Competition First Report and Order*). Transport and termination of traffic are therefore excluded from the Commission's definition of interconnection. *See id.*

[38] 47 U.S.C. § 251(c)(2)(B). In the *Local Competition First Report and Order*, the Commission identified a minimum set of technically feasible points of interconnection. *See Local Competition First Report and Order*, 11 FCC Rcd at 15607-09, paras. 204-11.

[39] 47 U.S.C. § 251(c)(2)(C).

[40] *Id*. § 251(c)(2)(D).

[41] *Local Competition First Report and Order*, 11 FCC Rcd at 15613-15, paras. 221-225; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20641-42, paras. 63-64.

[42] *Local Competition First Report and Order*, 11 FCC Rcd at 15614-15, paras. 224-25.

[43] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3978, para. 64; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20648-50, paras. 74-77; *Ameritech Michigan Order*, 12 FCC Rcd at 20671-74, paras. 240-45. The Commission has relied on trunk blockage data to evaluate a BOC's interconnection performance. Trunk group blockage indicates that end users are experiencing difficulty completing or receiving calls, which may have a direct impact on the customer's perception of a competitive LEC's service quality.

comparable function to its own retail operations.[44] The Commission's rules interpret this obligation to include, among other things, the incumbent LEC's installation time for interconnection service[45] and its provisioning of two-way trunking arrangements.[46] Similarly, repair time for troubles affecting interconnection trunks is useful for determining whether a BOC provides interconnection service under "terms and conditions that are no less favorable than the terms and conditions" the BOC provides to its own retail operations.[47]

20. Competing carriers may choose any method of technically feasible interconnection at a particular point on the incumbent LEC's network.[48] Incumbent LEC provision of interconnection trunking is one common means of interconnection. Technically feasible methods also include, but are not limited to, physical and virtual collocation and meet point arrangements.[49] The provision of collocation is an essential prerequisite to demonstrating compliance with item 1 of the competitive checklist.[50] In the *Advanced Services First Report and Order*, the Commission revised its collocation rules to require incumbent LECs to include shared cage and cageless collocation arrangements as part of their physical collocation offerings.[51] In response to a remand from the D.C. Circuit, the Commission adopted the *Collocation Remand Order*, establishing revised criteria for equipment for which incumbent LECs must permit collocation, requiring incumbent LECs to provide cross-connects between

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[44] *Local Competition First Report and Order*, 11 FCC Rcd at 15612, para. 218; *see also Bell Atlantic New York* Order, 15 FCC Rcd at 3978, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65.

[45] 47 C.F.R. § 51.305(a)(5).

[46] The Commission's rules require an incumbent LEC to provide two-way trunking upon request, wherever two-way trunking arrangements are technically feasible. 47 C.F.R. § 51.305(f); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3978-79, para. 65; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20642, para. 65; *Local Competition First Report and Order*, 11 FCC Rcd 15612-13, paras. 219-20.

[47] 47 C.F.R. § 51.305(a)(5).

[48] *Local Competition First Report and Order*, 11 FCC Rcd at 15779, paras. 549-50; *see Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 61.

[49] 47 C.F.R. § 51.321(b); *Local Competition First Report and Order*, 11 FCC Rcd at 15779-82, paras. 549-50; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, para. 62.

[50] 47 U.S.C. § 251(c)(6) (requiring incumbent LECs to provide physical collocation); *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[51] *Deployment of Wireline Services offering Advanced Telecommunications Capability*, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761, 4784-86, paras. 41-43 (1999), *aff'd in part and vacated and remanded in part sub nom. GTE Service Corp. v. FCC*, 205 F.3d 416 (D.C. Cir. 2000), *on recon.*, *Collocation Reconsideration Order*, 15 FCC Rcd 17806 (2000); *on remand*, *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Fourth Report and Order, 16 FCC Rcd 15435 (2001) (*Collocation Remand Order*), *petition for recon. pending*.

collocated carriers, and establishing principles for physical collocation space and configuration.[52] To show compliance with its collocation obligations, a BOC must have processes and procedures in place to ensure that all applicable collocation arrangements are available on terms and conditions that are "just, reasonable, and nondiscriminatory" in accordance with section 251(c)(6) and the FCC's implementing rules.[53] Data showing the quality of procedures for processing applications for collocation space, as well as the timeliness and efficiency of provisioning collocation space, help the Commission evaluate a BOC's compliance with its collocation obligations.[54]

21. As stated above, checklist item 1 requires a BOC to provide "interconnection in accordance with the requirements of sections 251(c)(2) *and* 252(d)(1)."[55] Section 252(d)(1) requires state determinations regarding the rates, terms, and conditions of interconnection to be based on cost and to be nondiscriminatory, and allows the rates to include a reasonable profit.[56] The Commission's pricing rules require, among other things, that in order to comply with its collocation obligations, an incumbent LEC provide collocation based on TELRIC.[57]

22. To the extent pricing disputes arise, the Commission will not duplicate the work of the state commissions. As noted in the *SWBT Texas Order*, the Act authorizes the state commissions to resolve specific carrier-to-carrier disputes arising under the local competition provisions, and it authorizes the federal district courts to ensure that the results of the state arbitration process are consistent with federal law.[58] Although the Commission has an independent statutory obligation to ensure compliance with the checklist, section 271 does not compel us to preempt the orderly disposition of intercarrier disputes by the state commissions, particularly now that the Supreme Court has restored the Commission's pricing jurisdiction and has thereby directed the state commissions to follow FCC pricing rules in their disposition of those disputes.[59]

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[52] *See Collocation Remand Order*, 16 FCC Rcd at 15441-42, para. 12.

[53] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20643, para. 66; *BellSouth Carolina Order*, 13 FCC Rcd at 649-51, para. 62.

[54] *Bell Atlantic New York Order*, 15 FCC Rcd at 3979, para. 66; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20640-41, paras. 61-62.

[55] 47 U.S.C. § 271(c)(2)(B)(i) (emphasis added).

[56] *Id*. § 252(d)(1).

[57] *See* 47 C.F.R. §§ 51.501-07, 51.509(g); *Local Competition First Report and Order*, 11 FCC Rcd at 15812-16, 15844-61, 15874-76, 15912, paras. 618-29, 674-712, 743-51, 826.

[58] *See SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also* 47 U.S.C. §§ 252(c), (e)(6); *American Tel. & Tel Co. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999) (*AT&T v. Iowa Utils. Bd*.).

[59] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *AT&T Corp. v. Iowa Utils. Bd*., 525 U.S. at 377-86.

23. Consistent with the Commission's precedent, the mere presence of interim rates will not generally threaten a section 271 application so long as: (1) an interim solution to a particular rate dispute is reasonable under the circumstances; (2) the state commission has demonstrated its commitment to the Commission's pricing rules; and (3) provision is made for refunds or true-ups once permanent rates are set.[60] In addition, the Commission has determined that rates contained within an approved section 271 application, including those that are interim, are reasonable starting points for interim rates for the same carrier in an adjoining state.[61]

24. Although the Commission has been willing to grant a section 271 application with a limited number of interim rates where the above-mentioned three-part test is met, it is clearly preferable to analyze a section 271 application on the basis of rates derived from a permanent rate proceeding.[62] At some point, states will have had sufficient time to complete these proceedings. The Commission will, therefore, become more reluctant to continue approving section 271 applications containing interim rates. It would not be sound policy for interim rates to become a substitute for completing these significant proceedings.

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[60] *SWBT Texas Order*, 15 FCC Rcd at 18394, para. 88; *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 258 (explaining the Commission's case-by-case review of interim prices).

[61] *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6359-60, para. 239.

[62] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4091, para. 260.

B. Checklist Item 2 – Unbundled Network Elements[63]

1. Access to Operations Support Systems

25. Incumbent LECs use a variety of systems, databases, and personnel (collectively referred to as OSS) to provide service to their customers.[64] The Commission consistently has found that nondiscriminatory access to OSS is a prerequisite to the development of meaningful local competition.[65] For example, new entrants must have access to the functions performed by the incumbent's OSS in order to formulate and place orders for network elements or resale services, to install service to their customers, to maintain and repair network facilities, and to bill customers.[66] The Commission has determined that without nondiscriminatory access to the BOC's OSS, a competing carrier "will be severely disadvantaged, if not precluded altogether, from fairly competing" in the local exchange market.[67]

26. Section 271 requires the Commission to determine whether a BOC offers nondiscriminatory access to OSS functions. Section 271(c)(2)(B)(ii) requires a BOC to provide

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[63] We note that the United States Court of Appeals for the District of Columbia Circuit recently opined on two relevant Commission decisions, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696 (1999) (*UNE Remand Order*) and *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order* in CC Doc. No. 98-147 and Fourth Report and Order in CC Doc. No. 96-98, 14 FCC Rcd 20912 (1999) (*Line Sharing Order*). *USTA v. FCC*, 290 F.3d 415 (D. C. Cir. 2002), *cert. denied sub nom WorldCom, Inc., et al. v. United States Telecom Ass'n, et al., 2003 WL 1448388, 71 USLW 3416 (March 24, 2003)*. The court's decision addressed both our UNE rules and our line sharing rules. Further, the court stated that "the *Line Sharing Order* must be vacated and remanded." USTA v. FCC, 290 F.3d at 429. The court also stated that it "grant[ed] the petitions for review[] and remand[ed] the *Line Sharing Order* and the *Local Competition Order* to the Commission for further consideration in accordance with the principles outlined." *Id.* at 430. On September 4, 2002, the D.C. Circuit denied petitions for rehearing filed by the Commission and others. *See Order*, Nos. 00-1012 and 00-1015 (D.C. Circuit, filed Sept. 4, 2002). On February 20, 2003, the Commission took action to revise its rules concerning incumbent LECs' obligations to make available elements of their networks on an unbundled basis to requesting carriers. *FCC Adopts New Rules For Network Unbundling Obligations Of Incumbent Local Phone Carriers*, News Release, (rel. Feb. 20, 2003) (announcing adoption of an Order on Remand and Further Notice of Proposed Rulemaking in CC Docket No. 01-338, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*) (*Triennial Review News Release*). We note, however, that, in determining whether a BOC applicant has satisfied the requirements of section 271, the Commission evaluates an applicant's compliance with the competitive checklist as developed in the Commission's local competition rules and orders in effect at the time the application was filed.

[64] *Id*. at 3989-90, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 585.

[65] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83; *BellSouth South Carolina Order*, 13 FCC Rcd at 547-48, 585; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20653.

[66] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 83.

[67] *Id.*

"nondiscriminatory access to network elements in accordance with the requirements of sections 251(c)(3) and 252(d)(1)."[68] The Commission has determined that access to OSS functions falls squarely within an incumbent LEC's duty under section 251(c)(3) to provide unbundled network elements (UNEs) under terms and conditions that are nondiscriminatory and just and reasonable, and its duty under section 251(c)(4) to offer resale services without imposing any limitations or conditions that are discriminatory or unreasonable.[69] The Commission must therefore examine a BOC's OSS performance to evaluate compliance with section 271(c)(2)(B)(ii) and (xiv).[70] In addition, the Commission has also concluded that the duty to provide nondiscriminatory access to OSS functions is embodied in other terms of the competitive checklist as well.[71] Consistent with prior orders, the Commission examines a BOC's OSS performance directly under checklist items 2 and 14, as well as other checklist terms.[72]

27. As part of its statutory obligation to provide nondiscriminatory access to OSS functions, a BOC must provide access that sufficiently supports each of the three modes of competitive entry envisioned by the 1996 Act – competitor-owned facilities, UNEs, and resale.[73] For OSS functions that are analogous to those that a BOC provides to itself, its customers or its affiliates, the nondiscrimination standard requires the BOC to offer requesting carriers access that is equivalent in terms of quality, accuracy, and timeliness.[74] The BOC must provide access that permits competing carriers to perform these functions in "substantially the same time and manner" as the BOC.[75] The Commission has recognized in prior orders that there may be situations in which a BOC contends that, although equivalent access has not been achieved for

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[68] 47 U.S.C. § 271(c)(2)(B)(ii).

[69] *Bell Atlantic New York Order*, 15 FCC Rcd at 3990, para. 84.

[70] *Id.*

[71] *Id.* As part of a BOC's demonstration that it is "providing" a checklist item (*e.g.*, unbundled loops, unbundled local switching, resale services), it must demonstrate that it is providing nondiscriminatory access to the systems, information, and personnel that support that element or service. An examination of a BOC's OSS performance is therefore integral to the determination of whether a BOC is offering all of the items contained in the competitive checklist. *Id*.

[72] *Id.* at 3990-91, para. 84.

[73] *Id.* at 3991, para. 85.

[74] *Id.*

[75] *Id.* For example, the Commission would not deem an incumbent LEC to be providing nondiscriminatory access to OSS if limitations on the processing of information between the interface and the back office systems prevented a competitor from performing a specific function in substantially the same time and manner as the incumbent performs that function for itself.

an analogous function, the access that it provides is nonetheless nondiscriminatory within the meaning of the statute.[76]

28. For OSS functions that have no retail analogue, the BOC must offer access "sufficient to allow an efficient competitor a meaningful opportunity to compete."[77] In assessing whether the quality of access affords an efficient competitor a meaningful opportunity to compete, the Commission will examine, in the first instance, whether specific performance standards exist for those functions.[78] In particular, the Commission will consider whether appropriate standards for measuring OSS performance have been adopted by the relevant state commission or agreed upon by the BOC in an interconnection agreement or during the implementation of such an agreement.[79] If such performance standards exist, the Commission will evaluate whether the BOC's performance is sufficient to allow an efficient competitor a meaningful opportunity to compete.[80]

29. The Commission analyzes whether a BOC has met the nondiscrimination standard for each OSS function using a two-step approach. First, the Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."[81] The Commission next assesses "whether the OSS functions that the BOC has deployed are operationally ready, as a practical matter."[82]

30. Under the first inquiry, a BOC must demonstrate that it has developed sufficient electronic (for functions that the BOC accesses electronically) and manual interfaces to allow

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[76] *See id.*

[77] *Id.* at 3991, para. 86.

[78] *Id.*

[79] *Id.* As a general proposition, specific performance standards adopted by a state commission in an arbitration decision would be more persuasive evidence of commercial reasonableness than a standard unilaterally adopted by the BOC outside of its interconnection agreement. *Id*. at 20619-20.

[80] *See id.* at 3991-92, para. 86.

[81] *Id.* at 3992, para. 87; *Ameritech Michigan Order*, 12 FCC Rcd at 20616; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654; *BellSouth South Carolina Order*, 13 FCC Rcd at 592-93. In making this determination, the Commission "consider[s] all of the automated and manual processes a BOC has undertaken to provide access to OSS functions," including the interface (or gateway) that connects the competing carrier's own operations support systems to the BOC; any electronic or manual processing link between that interface and the BOC's OSS (including all necessary back office systems and personnel); and all of the OSS that a BOC uses in providing network elements and resale services to a competing carrier. *Ameritech Michigan Order*, 12 FCC Rcd at 20615; s*ee also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20654 n.241.

[82] *See Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

competing carriers equivalent access to all of the necessary OSS functions.[83] For example, a BOC must provide competing carriers with the specifications necessary for carriers to design or modify their systems in a manner that will enable them to communicate with the BOC's systems and any relevant interfaces.[84] In addition, a BOC must disclose to competing carriers any internal business rules[85] and other formatting information necessary to ensure that a carrier's requests and orders are processed efficiently.[86] Finally, a BOC must demonstrate that its OSS is designed to accommodate both current demand and projected demand for competing carriers' access to OSS functions.[87] Although not a prerequisite, the Commission continues to encourage the use of industry standards as an appropriate means of meeting the needs of a competitive local exchange market.[88]

31. Under the second inquiry, the Commission examines performance measurements and other evidence of commercial readiness to ascertain whether the BOC's OSS is handling current demand and will be able to handle reasonably foreseeable future volumes.[89] The most probative evidence that OSS functions are operationally ready is actual commercial usage.[90] Absent sufficient and reliable data on commercial usage, the Commission will consider the results of carrier-to-carrier testing, independent third-party testing, and internal testing in assessing the commercial readiness of a BOC's OSS.[91] Although the Commission does not require OSS testing, a persuasive test will provide us with an objective means by which to evaluate a BOC's OSS readiness where there is little to no evidence of commercial usage, or may otherwise strengthen an application where the BOC's evidence of actual commercial usage is weak or is otherwise challenged by competitors. The persuasiveness of a third-party review, however, is dependent upon the qualifications, experience and independence of the third party

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[83] *Id*. at 3992, para. 87; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20616, para. 136 (The Commission determines "whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."). For example, a BOC must provide competing carriers the specifications necessary to design their systems interfaces and business rules necessary to format orders, and demonstrate that systems are scalable to handle current and projected demand. *Id.*

[84] *Id.*

[85] Business rules refer to the protocols that a BOC uses to ensure uniformity in the format of orders and include information concerning ordering codes such as universal service ordering codes (USOCs) and field identifiers (FIDs). *Id.*; *see also Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.335.

[86] *Bell Atlantic New York Order*, 15 FCC Rcd at 3992, para. 88.

[87] *Id.*

[88] *See id.*

[89] *Id.* at 3993, para. 89.

[90] *Id.*

[91] *Id.*

and the conditions and scope of the review itself.[92] If the review is limited in scope or depth or is not independent and blind, the Commission will give it minimal weight. As noted above, to the extent the Commission reviews performance data, it looks at the totality of the circumstances and generally does not view individual performance disparities, particularly if they are isolated and slight, as dispositive of whether a BOC has satisfied its checklist obligations.[93] Individual performance disparities may, nevertheless, result in a finding of checklist noncompliance, particularly if the disparity is substantial or has endured for a long time, or if it is accompanied by other evidence of discriminatory conduct or evidence that competing carriers have been denied a meaningful opportunity to compete.

a. Relevance of a BOC's Prior Section 271 Orders

32. The *SWBT Kansas/Oklahoma Order* specifically outlined a non-exhaustive evidentiary showing that must be made in the initial application when a BOC seeks to rely on evidence presented in another application.[94] First, a BOC's application must explain the extent to which the OSS are "the same" – that is, whether it employs the shared use of a single OSS, or the use of systems that are identical, but separate.[95] To satisfy this inquiry, the Commission looks to whether the relevant states utilize a common set of processes, business rules, interfaces, systems and, in many instances, even personnel.[96] The Commission will also carefully examine third party reports that demonstrate that the BOC's OSS are the same in each of the relevant states.[97] Finally, where a BOC has discernibly separate OSS, it must demonstrate that its OSS reasonably can be expected to behave in the same manner.[98] Second, unless an applicant seeks to establish only that certain discrete components of its OSS are the same, an applicant must submit evidence relating to *all* aspects of its OSS, including those OSS functions performed by BOC personnel.

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92 *See id.*; *Ameritech Michigan Order*, 12 FCC Rcd at 20659 (emphasizing that a third-party review should encompass the entire obligation of the incumbent LEC to provide nondiscriminatory access, and, where applicable, should consider the ability of actual competing carriers in the market to operate using the incumbent's OSS access).

93 *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6301-02, para. 138.

94 *See id*. at 6286-91, paras. 107-18.

95 *See id*. at 6288, para. 111.

96 The Commission has consistently held that a BOC's OSS includes both mechanized systems and manual processes, and thus the OSS functions performed by BOC personnel have been part of the FCC's OSS functionality and commercial readiness reviews.

97 *See SWBT Kansas/Oklahoma Order*, *id*. at 6287, para. 108.

98 *See id*. at 6288, para. 111.

b. Pre-Ordering

33. A BOC must demonstrate that: (i) it offers nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies; (ii) competing carriers successfully have built and are using application-to-application interfaces to perform pre-ordering functions and are able to integrate pre-ordering and ordering interfaces;[99] and (iii) its pre-ordering systems provide reasonably prompt response times and are consistently available in a manner that affords competitors a meaningful opportunity to compete.[100]

34. The pre-ordering phase of OSS generally includes those activities that a carrier undertakes to gather and verify the information necessary to place an order.[101] Given that pre-ordering represents the first exposure that a prospective customer has to a competing carrier, it is critical that a competing carrier is able to accomplish pre-ordering activities in a manner no less efficient and responsive than the incumbent.[102] Most of the pre-ordering activities that must be undertaken by a competing carrier to order resale services and UNEs from the incumbent are analogous to the activities a BOC must accomplish to furnish service to its own customers. For these pre-ordering functions, a BOC must demonstrate that it provides requesting carriers access that enables them to perform pre-ordering functions in substantially the same time and manner as its retail operations.[103] For those pre-ordering functions that lack a retail analogue, a BOC must provide access that affords an efficient competitor a meaningful opportunity to compete.[104] In

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[99] In prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC. *SWBT Texas Order*, 15 FCC Rcd at 18426, para. 148.

[100] The Commission has held previously that an interface that provides responses in a prompt timeframe and is stable and reliable, is necessary for competing carriers to market their services and serve their customers as efficiently and at the same level of quality as a BOC serves its own customers. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4025 and 4029, paras. 145 and 154.

[101] *See Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94 (referring to "pre-ordering and ordering" collectively as "the exchange of information between telecommunications carriers about current or proposed customer products and services or unbundled network elements or some combination thereof"). In prior orders, the Commission has identified the following five pre-order functions: (1) customer service record (CSR) information; (2) address validation; (3) telephone number information; (4) due date information; (5) services and feature information. *See Bell Atlantic New York Order*, 15 FCC Rcd at 4015, para. 132; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20660, para. 94; *BellSouth South Carolina Order*, 13 FCC Rcd at 619, para. 147.

[102] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

[103] *Id.*; *see also BellSouth South Carolina Order*, 13 FCC Rcd at 623-29 (concluding that failure to deploy an application-to-application interface denies competing carriers equivalent access to pre-ordering OSS functions).

[104] *Bell Atlantic New York Order*, 15 FCC Rcd at 4014, para. 129.

prior orders, the Commission has emphasized that providing pre-ordering functionality through an application-to-application interface is essential in enabling carriers to conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC.[105]

(i) Access to Loop Qualification Information

35. In accordance with the *UNE Remand Order*,[106] the Commission requires incumbent carriers to provide competitors with access to all of the same detailed information about the loop that is available to the incumbents,[107] and in the same time frame, so that a competing carrier can make an independent judgment at the pre-ordering stage about whether an end user loop is capable of supporting the advanced services equipment the competing carrier intends to install.[108] Under the *UNE Remand Order*, the relevant inquiry is not whether a BOC's retail arm accesses such underlying information but whether such information exists anywhere in a BOC's back office and can be accessed by any of a BOC's personnel.[109] Moreover, a BOC may not "filter or digest" the underlying information and may not provide only information that is useful in provisioning of a particular type of xDSL that a BOC offers.[110] A BOC must also provide loop qualification information based, for example, on an individual address or zip code of the end users in a particular wire center, NXX code or on any other basis that the BOC provides such information to itself. Moreover, a BOC must also provide access for competing carriers to the loop qualifying information that the BOC can itself access manually or electronically. Finally, a BOC must provide access to loop qualification information to competitors within the same time intervals it is provided to the BOC's retail operations or its

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105 *See id.* at 4014, para. 130; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20661-67, para. 105.

106 *UNE Remand Order*, 15 FCC Rcd at 3885, para. 426 (determining "that the pre-ordering function includes access to loop qualification information").

107 *See id.* At a minimum, a BOC must provide (1) the composition of the loop material, including both fiber and copper; (2) the existence, location and type of any electronic or other equipment on the loop, including but not limited to, digital loop carrier or other remote concentration devices, feeder/distribution interfaces, bridge taps, load coils, pair-gain devices, disturbers in the same or adjacent binder groups; (3) the loop length, including the length and location of each type of transmission media; (4) the wire gauge(s) of the loop; and (5) the electrical parameters of the loop, which may determine the suitability of the loop for various technologies. *Id.*

108 As the Commission has explained in prior proceedings, because characteristics of a loop, such as its length and the presence of various impediments to digital transmission, can hinder certain advanced services technologies, carriers often seek to "pre-qualify" a loop by accessing basic loop makeup information that will assist carriers in ascertaining whether the loop, either with or without the removal of the impediments, can support a particular advanced service. *See id.*, 15 FCC Rcd at 4021, para. 140.

109 *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-431 (noting that "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information.").

110 *See SWBT Kansas Oklahoma Order*, 16 FCC Rcd at 6292-93, para. 121.

advanced services affiliate.[111] As the Commission determined in the *UNE Remand Order*, however, "to the extent such information is not normally provided to the incumbent's retail personnel, but can be obtained by contacting back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information."[112]

c. Ordering

36. Consistent with section 271(c)(2)(B)(ii), a BOC must demonstrate its ability to provide competing carriers with access to the OSS functions necessary for placing wholesale orders. For those functions of the ordering systems for which there is a retail analogue, a BOC must demonstrate, with performance data and other evidence, that it provides competing carriers with access to its OSS in substantially the same time and manner as it provides to its retail operations. For those ordering functions that lack a direct retail analogue, a BOC must demonstrate that its systems and performance allow an efficient carrier a meaningful opportunity to compete. As in prior section 271 orders, the Commission looks primarily at the applicant's ability to return order confirmation notices, order reject notices, order completion notices and jeopardies, and at its order flow-through rate.[113]

d. Provisioning

37. A BOC must provision competing carriers' orders for resale and UNE-P services in substantially the same time and manner as it provisions orders for its own retail customers.[114] Consistent with the approach in prior section 271 orders, the Commission examines a BOC's provisioning processes, as well as its performance with respect to provisioning timeliness (i.e., missed due dates and average installation intervals) and provisioning quality (i.e., service problems experienced at the provisioning stage).[115]

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111 *Id.*

112 *UNE Remand Order*, 15 FCC Rcd at 3885-3887, paras. 427-31.

113 *See SWBT Texas Order*, 15 FCC Rcd at 18438, para. 170; *Bell Atlantic New York Order*, 15 FCC Rcd at 4035-39, paras. 163-66. The Commission examines (i) order flow-through rates, (ii) jeopardy notices and (iii) order completion notices using the "same time and manner" standard. The Commission examines order confirmation notices and order rejection notices using the "meaningful opportunity to compete" standard.

114 *See Bell Atlantic New York*, 15 FCC Rcd at 4058, para. 196. For provisioning timeliness, the Commission looks to missed due dates and average installation intervals; for provisioning quality, the Commission looks to service problems experienced at the provisioning stage.

115 *Id.*

e. Maintenance and Repair

38. A competing carrier that provides service through resale or UNEs remains dependent upon the incumbent LEC for maintenance and repair. Thus, as part of its obligation to provide nondiscriminatory access to OSS functions, a BOC must provide requesting carriers with nondiscriminatory access to its maintenance and repair systems.[116] To the extent a BOC performs analogous maintenance and repair functions for its retail operations, it must provide competing carriers access that enables them to perform maintenance and repair functions "in substantially the same time and manner" as a BOC provides its retail customers.[117] Equivalent access ensures that competing carriers can assist customers experiencing service disruptions using the same network information and diagnostic tools that are available to BOC personnel.[118] Without equivalent access, a competing carrier would be placed at a significant competitive disadvantage, as its customer would perceive a problem with a BOC's network as a problem with the competing carrier's own network.[119]

f. Billing

39. A BOC must provide nondiscriminatory access to its billing functions, which is necessary to enable competing carriers to provide accurate and timely bills to their customers.[120] In making this determination, the Commission assesses a BOC's billing processes and systems, and its performance data. Consistent with prior section 271 orders, a BOC must demonstrate that it provides competing carriers with complete and accurate reports on the service usage of competing carriers' customers in substantially the same time and manner that a BOC provides such information to itself, and with wholesale bills in a manner that gives competing carriers a meaningful opportunity to compete.[121]

g. Change Management Process

40. Competing carriers need information about, and specifications for, an incumbent's systems and interfaces to develop and modify their systems and procedures to

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116 *Id*. at 4067, para. 212; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692; *Ameritech Michigan Order*, 12 FCC Rcd at 20613, 20660-61.

117 *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196; *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20692-93.

118 *Bell Atlantic New York Order*, 15 FCC Rcd at 4058, para. 196.

119 *Id*.

120 *See SWBT Texas Order*, 15 FCC Rcd at 18461, para. 210.

121 *See id.*; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6316-17, at para. 163.

access the incumbent's OSS functions.[122] Thus, in order to demonstrate that it is providing nondiscriminatory access to its OSS, a BOC must first demonstrate that it "has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and . . . is adequately assisting competing carriers to understand how to implement and use all of the OSS functions available to them."[123] By showing that it adequately assists competing carriers to use available OSS functions, a BOC provides evidence that it offers an efficient competitor a meaningful opportunity to compete.[124] As part of this demonstration, the Commission will give substantial consideration to the existence of an adequate change management process and evidence that the BOC has adhered to this process over time.[125]

41. The change management process refers to the methods and procedures that the BOC employs to communicate with competing carriers regarding the performance of, and changes in, the BOC's OSS.[126] Such changes may include updates to existing functions that impact competing carrier interface(s) upon a BOC's release of new interface software; technology changes that require competing carriers to meet new technical requirements upon a BOC's software release date; additional functionality changes that may be used at the competing carrier's option, on or after a BOC's release date for new interface software; and changes that may be mandated by regulatory authorities.[127] Without a change management process in place, a BOC can impose substantial costs on competing carriers simply by making changes to its systems and interfaces without providing adequate testing opportunities and accurate and timely notice and documentation of the changes.[128] Change management problems can impair a competing carrier's ability to obtain nondiscriminatory access to UNEs, and hence a BOC's compliance with section 271(2)(B)(ii).[129]

42. In evaluating whether a BOC's change management plan affords an efficient competitor a meaningful opportunity to compete, the Commission first assesses whether the plan is adequate. In making this determination, it assesses whether the evidence demonstrates: (1) that information relating to the change management process is clearly organized and readily

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122 *Bell Atlantic New York Order*, 15 FCC Rcd at 3999-4000, para. 102; *First BellSouth Louisiana Order*, 13 FCC Rcd at 6279 n.197; *BellSouth South Carolina Order*, 13 FCC Rcd at 625 n.467; *Ameritech Michigan Order*, 12 FCC Rcd at 20617 n.334; *Local Competition Second Report and Order*, 11 FCC Rcd at 19742.

123 *Bell Atlantic New York Order*, 15 FCC Rcd at 3999, para. 102.

124 *Id.* at 3999-4000, para. 102

125 *Id.* at 4000, para. 102.

126 *Id.* at 4000, para. 103.

127 *Id.*

128 *Id.* at 4000, para. 103.

129 *Id.*

accessible to competing carriers;[130] (2) that competing carriers had substantial input in the design and continued operation of the change management process;[131] (3) that the change management plan defines a procedure for the timely resolution of change management disputes;[132] (4) the availability of a stable testing environment that mirrors production;[133] and (5) the efficacy of the documentation the BOC makes available for the purpose of building an electronic gateway.[134] After determining whether the BOC's change management plan is adequate, the Commission evaluates whether the BOC has demonstrated a pattern of compliance with this plan.[135]

2. UNE Combinations

43. In order to comply with the requirements of checklist item 2, a BOC must show that it is offering "[n]ondiscriminatory access to network elements in accordance with the requirements of section 251(c)(3)."[136] Section 251(c)(3) requires an incumbent LEC to "provide, to any requesting telecommunications carrier . . . nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms and conditions that are just, reasonable, and nondiscriminatory."[137] Section 251(c)(3) of the Act also requires incumbent LECs to provide UNEs in a manner that allows requesting carriers to combine such elements in order to provide a telecommunications service.[138]

44. In the *Ameritech Michigan Order*, the Commission emphasized that the ability of requesting carriers to use UNEs, as well as combinations of UNEs, is integral to achieving Congress' objective of promoting competition in local telecommunications markets.[139] Using combinations of UNEs provides a competitor with the incentive and ability to package and market services in ways that differ from the BOCs' existing service offerings in order to compete

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130 *Id.* at 4002, para. 107.

131 *Id.* at 4000, para. 104.

132 *Id.* at 4002, para. 108.

133 *Id.* at 4002-03, paras. 109-10.

134 *Id.* at 4003-04, para. 110. In the *Bell Atlantic New York Order*, the Commission used these factors in determining whether Bell Atlantic had an adequate change management process in place. *See id.* at 4004, para. 111. The Commission left open the possibility, however, that a change management plan different from the one implemented by Bell Atlantic may be sufficient to demonstrate compliance with the requirements of section 271. *Id.*

135 *Id.* at 3999, para. 101, 4004-05, para. 112.

136 47 U.S.C. § 271(c)(2)(B)(ii).

137 *Id*. § 251(c)(3).

138 *Id.*

139 *Ameritech Michigan Order*, 12 FCC Rcd at 20718-19; *BellSouth South Carolina Order*, 13 FCC Rcd at 646.

in the local telecommunications market.[140] Moreover, combining the incumbent's UNEs with their own facilities encourages facilities-based competition and allows competing providers to provide a wide array of competitive choices.[141] Because the use of combinations of UNEs is an important strategy for entry into the local telecommunications market, as well as an obligation under the requirements of section 271, the Commission examines section 271 applications to determine whether competitive carriers are able to combine network elements as required by the Act and the Commission's regulations.[142]

3. Pricing of Network Elements

45. Checklist item 2 of section 271 states that a BOC must provide "nondiscriminatory access to network elements in accordance with sections 251(c)(3) and 252(d)(1)" of the Act.[143] Section 251(c)(3) requires incumbent LECs to provide "nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory."[144] Section 252(d)(1) requires that a state commission's determination of the just and reasonable rates for network elements shall be based on the cost of providing the network elements, shall be nondiscriminatory, and may include a reasonable profit.[145] Pursuant to this statutory mandate, the Commission has determined that prices for UNEs must be based on the total element long run incremental cost (TELRIC) of providing those elements.[146] The Commission also

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140 *BellSouth South Carolina Order*, 13 FCC Rcd at 646; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15666-68.

141 *Bell Atlantic New York Order*, 15 FCC Rcd at 4077-78, para. 230.

142 *Id. In Iowa Utilities Board v. FCC*, 219 F.3d 744 (8th Cir. 2000), the Eighth Circuit had vacated the Commission's "additional combinations" rules (47 C.F.R. Sections 51-315(c)-(f)). However, on May 13, 2002, the Supreme Court reversed the Eighth Circuit with respect to those rules and remanded the case to the court of appeals "for further proceedings consistent with this opinion." *Verizon Communications Inc. v. FCC*, 535 U.S. 467, 539. *See also id*. at 1683-87. In response, the Eighth Circuit, on August 21, 2002, vacated its prior opinion insofar as it had vacated the pertinent combinations rules and denied the petitions for review with respect to those rules. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, *et al*., Judgment, filed August 21, 2002.). *See also Competitive Telecommunications Association v. FCC*, 309 F. 3d 8 (2002) (affirming the Commission's interim decision to limit the ability of competitive local exchange carriers to gain access to a network element combination known as the enhanced extended link).

143 47 U.S.C. § 271(c)(2)(B)(ii).

144 *Id*. § 251(c)(3).

145 47 U.S.C. § 252(d)(1).

146 *Local Competition First Report and Order*, 11 FCC Rcd at 15844-46, paras. 674-79; 47 C.F.R. §§ 51.501 *et seq*.; *see also Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98*, Third Report and Order and Fourth Report and Order, 14 FCC Rcd 20912, 20974, para. 135 (*Line Sharing Order*) (concluding that states should set the prices for line sharing as a new network element in the same manner as the state sets prices for other UNEs).

promulgated rule 51.315(b), which prohibits incumbent LECs from separating already combined elements before providing them to competing carriers, except on request.[147] The Commission has previously held that it will not conduct a *de novo* review of a state's pricing determinations and will reject an application only if "basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce."[148]

46. Although the U.S. Court of Appeals for the Eighth Circuit stayed the Commission's pricing rules in 1996,[149] the Supreme Court restored the Commission's pricing authority on January 25, 1999, and remanded to the Eighth Circuit for consideration of the merits of the challenged rules.[150] On remand from the Supreme Court, the Eighth Circuit concluded that while TELRIC is an acceptable method for determining costs, certain specific requirements contained within the Commission's pricing rules were contrary to Congressional intent.[151] The Eighth Circuit stayed the issuance of its mandate pending review by the Supreme Court.[152] The Supreme Court, on May 13, 2002, upheld the Commission's forward-looking pricing methodology in determining costs of UNEs and "reverse[d] the Eighth Circuit's judgment insofar as it invalidated TELRIC as a method for setting rates under the Act."[153] Accordingly, the Commission's pricing rules remain in effect.

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147 *See* 47 C.F.R. § 51.315(b).

148 *Bell Atlantic New York Order*, 15 FCC Rcd at 4084, para. 244; *SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6266, para. 59.

149 *Iowa Utils. Bd. v. FCC*, 120 F.3d 753, 800, 804, 805-06 (8th Cir. 1997).

150 *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). In reaching its decision, the Court acknowledged that section 201(b) "explicitly grants the FCC jurisdiction to make rules governing matters to which the 1996 Act applies." *Id.* at 380. Furthermore, the Court determined that section 251(d) also provides evidence of an express jurisdictional grant by requiring that "the Commission [shall] complete all actions necessary to establish regulations to implement the requirements of this section." *Id.* at 382. The Court also held that the pricing provisions implemented under the Commission's rulemaking authority do not inhibit the establishment of rates by the states. The Court concluded that the Commission has jurisdiction to design a pricing methodology to facilitate local competition under the 1996 Act, including pricing for interconnection and unbundled access, as "it is the States that will apply those standards and implement that methodology, determining the concrete result." *Id*.

151 *Iowa Utils. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000), *petition for cert. granted sub nom. Verizon Communications v. FCC*, 121 S. Ct. 877 (2001).

152 *Iowa Utils. Bd. v. FCC*, No. 96-3321 *et al.* (8th Cir. Sept. 25, 2000).

153 *Verizon v. FCC,* 535 U.S. 467, 523. On August 21, 2002, the Eighth Circuit implemented the Supreme Court's mandate with respect to the Commission's TELRIC pricing rule by vacating its prior opinion insofar as it had invalidated that rule and by denying the petitions for review of that rule. *Iowa Utilities Board v. FCC*, 8th Circuit Nos. 96-3321, et al., Judgment, filed August 21, 2002.

C. Checklist Item 3 – Poles, Ducts, Conduits and Rights of Way

47. Section 271(c)(2)(B)(iii) requires BOCs to provide "[n]ondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the [BOC] at just and reasonable rates in accordance with the requirements of section 224."[154] Section 224(f)(1) states that "[a] utility shall provide a cable television system or any telecommunications carrier with nondiscriminatory access to any pole, duct, conduit, or right-of-way owned or controlled by it."[155] Notwithstanding this requirement, section 224(f)(2) permits a utility providing electric service to deny access to its poles, ducts, conduits, and rights-of-way, on a nondiscriminatory basis, "where there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes."[156] Section 224 also contains two separate provisions governing the maximum rates that a utility may charge for "pole attachments."[157] Section 224(b)(1) states that the Commission shall regulate the rates, terms, and conditions governing pole attachments to ensure that they are "just and reasonable."[158] Notwithstanding this general grant of authority, section 224(c)(1) states that "[n]othing in [section 224] shall be construed to apply to, or to give the Commission jurisdiction with respect to the rates, terms, and conditions, or access to poles, ducts, conduits and rights-of-way as provided in [section 224(f)], for pole attachments in any case where such matters are regulated by a State."[159] As of 1992, nineteen

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[154] 47 U.S.C. § 271(c)(2)(B)(iii). As originally enacted, section 224 was intended to address obstacles that cable operators encountered in obtaining access to poles, ducts, conduits, or rights-of-way owned or controlled by utilities. The 1996 Act amended section 224 in several important respects to ensure that telecommunications carriers as well as cable operators have access to poles, ducts, conduits, or rights-of-way owned or controlled by utility companies, including LECs. *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20706, n.574.

[155] 47 U.S.C. § 224(f)(1). Section 224(a)(1) defines "utility" to include any entity, including a LEC, that controls "poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications." 47 U.S.C. § 224(a)(1).

[156] 47 U.S.C. § 224(f)(2). In the *Local Competition First Report and Order*, the Commission concluded that, although the statutory exception enunciated in section 224(f)(2) appears to be limited to utilities providing electrical service, LECs should also be permitted to deny access to their poles, ducts, conduits, and rights-of-way because of insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes, provided the assessment of such factors is done in a nondiscriminatory manner. *Local Competition First Report and Order*, 11 FCC Rcd at 16080-81, paras. 1175-77.

[157] Section 224(a)(4) defines "pole attachment" as "any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility." 47 U.S.C. § 224(a)(4).

[158] 47 U.S.C. § 224(b)(1).

[159] *Id*. § 224(c)(1). The 1996 Act extended the Commission's authority to include not just rates, terms, and conditions, but also the authority to regulate nondiscriminatory access to poles, ducts, conduits, and rights-of-way. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(f). Absent state regulation of terms and conditions of nondiscriminatory attachment access, the Commission retains jurisdiction. *Local Competition First Report and Order*, 11 FCC Rcd at 16104, para. 1232; 47 U.S.C. § 224(c)(1); *see also Bell Atlantic New York Order*, 15 FCC Rcd at 4093, para. 264.

states, including Connecticut, had certified to the Commission that they regulated the rates, terms, and conditions for pole attachments.[160]

D. Checklist Item 4 – Unbundled Local Loops

48. Section 271(c)(2)(B)(iv) of the Act, item 4 of the competitive checklist, requires that a BOC provide "[l]ocal loop transmission from the central office to the customer's premises, unbundled from local switching or other services."[161] The Commission has defined the loop as a transmission facility between a distribution frame, or its equivalent, in an incumbent LEC central office, and the demarcation point at the customer premises. This definition includes different types of loops, including two-wire and four-wire analog voice-grade loops, and two-wire and four-wire loops that are conditioned to transmit the digital signals needed to provide service such as ISDN, ADSL, HDSL, and DS1-level signals.[162]

49. In order to establish that it is "providing" unbundled local loops in compliance with checklist item 4, a BOC must demonstrate that it has a concrete and specific legal obligation to furnish loops and that it is currently doing so in the quantities that competitors demand and at an acceptable level of quality. A BOC must also demonstrate that it provides nondiscriminatory access to unbundled loops.[163] Specifically, the BOC must provide access to any functionality of the loop requested by a competing carrier unless it is not technically feasible to condition the loop facility to support the particular functionality requested. In order to provide the requested loop functionality, such as the ability to deliver xDSL services, the BOC may be required to take affirmative steps to condition existing loop facilities to enable competing carriers to provide services not currently provided over the facilities. The BOC must provide competitors with access to unbundled loops regardless of whether the BOC uses digital loop carrier (DLC) technology or similar remote concentration devices for the particular loops sought by the competitor.

50. On December 9, 1999, the Commission released the *Line Sharing Order*, which introduced new rules requiring BOCs to offer requesting carriers unbundled access to the high-frequency portion of local loops (HFPL).[164] HFPL is defined as "the frequency above the

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160 *See States That Have Certified That They Regulate Pole Attachments*, Public Notice, 7 FCC Rcd 1498 (1992); 47 U.S.C. § 224(f).

161 47 U.S.C. § 271(c)(2)(B)(iv).

162 *Local Competition First Report and Order*, 11 FCC Rcd at 15691, para. 380; *UNE Remand Order*, 15 FCC Rcd at 3772-73, paras. 166-67, n.301 (retaining definition of the local loop from the *Local Competition First Report and Order*, but replacing the phrase "network interconnection device" with "demarcation point," and making explicit that dark fiber and loop conditioning are among the features, functions and capabilities of the loop).

163 *SWBT Texas Order*, 15 FCC Rcd at 18481-81, para. 248; *Bell Atlantic New York Order*, 15 FCC Rcd at 4095, para. 269; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20637, para. 185.

164 *See Line Sharing Order*, 14 FCC Rcd at 20924-27, paras. 20-27; *see also* n.63 at C-12 *supra*.

voiceband on a copper loop facility that is being used to carry traditional POTS analog circuit-switched voiceband transmissions." This definition applies whether a BOC's voice customers are served by cooper or by digital loop carrier equipment. Competing carriers should have access to the HFPL at either a central office or at a remote terminal. However, the HFPL network element is *only* available on a copper loop facility.[165]

51. To determine whether a BOC makes line sharing available consistent with Commission rules set out in the *Line Sharing Order*, the Commission examines categories of performance measurements identified in the *Bell Atlantic New York* and *SWBT Texas Orders*. Specifically, a successful BOC applicant could provide evidence of BOC-caused missed installation due dates, average installation intervals, trouble reports within 30 days of installation, mean time to repair, trouble report rates, and repeat trouble report rates. In addition, a successful BOC applicant should provide evidence that its central offices are operationally ready to handle commercial volumes of line sharing and that it provides competing carriers with nondiscriminatory access to the pre-ordering and ordering OSS functions associated with the provision of line shared loops, including access to loop qualification information and databases.

52. Section 271(c)(2)(B)(iv) also requires that a BOC demonstrate that it makes line splitting available to competing carriers so that competing carriers may provide voice and data service over a single loop.[166] In addition, a BOC must demonstrate that a competing carrier, either alone or in conjunction with another carrier, is able to replace an existing UNE-P configuration used to provide voice service with an arrangement that enables it to provide voice and data service to a customer. To make such a showing, a BOC must show that it has a legal obligation to provide line splitting through rates, terms, and conditions in interconnection agreements and that it offers competing carriers the ability to order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment, and combine it with unbundled switching and shared transport.[167]

E. Checklist Item 5 – Unbundled Local Transport

53. Section 271(c)(2)(B)(v) of the competitive checklist requires a BOC to provide "[l]ocal transport from the trunk side of a wireline local exchange carrier switch unbundled from

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[165] *See Deployment of Wireline Services offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, 16 FCC Rcd 2101, 2106-07, para. 10 (2001).

[166] *See generally SWBT Texas Order*, 15 FCC Rcd at 18515-17, paras. 323-329 (describing line splitting); 47 C.F.R. § 51.703(c) (requiring that incumbent LECs provide competing carriers with access to unbundled loops in a manner that allows competing carriers "to provide any telecommunications service that can be offered by means of that network element").

[167] *See SWBT Kansas/Oklahoma Order*, 16 FCC Rcd at 6348, para. 220.

switching or other services."[168] The Commission has required that BOCs provide both dedicated and shared transport to requesting carriers.[169] Dedicated transport consists of BOC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by BOCs or requesting telecommunications carriers, or between switches owned by BOCs or requesting telecommunications carriers.[170] Shared transport consists of transmission facilities shared by more than one carrier, including the BOC, between end office switches, between end office switches and tandem switches, and between tandem switches, in the BOC's network.[171]

F. Checklist Item 6 – Unbundled Local Switching

54. Section 271(c)(2)(B)(vi) of the 1996 Act requires a BOC to provide "[l]ocal switching unbundled from transport, local loop transmission, or other services."[172] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to provide unbundled local switching that included line-side and trunk-side facilities, plus the features, functions, and capabilities of the switch.[173] The features, functions, and capabilities of the switch include the

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168 47 U.S.C. § 271(c)(2)(B)(v).

169 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20719, para. 201.

170 *Id.* A BOC has the following obligations with respect to dedicated transport: (a) provide unbundled access to dedicated transmission facilities between BOC central offices or between such offices and serving wire centers (SWCs); between SWCs and interexchange carriers points of presence (POPs); between tandem switches and SWCs, end offices or tandems of the BOC, and the wire centers of BOCs and requesting carriers; (b) provide all technically feasible transmission capabilities such as DS1, DS3, and Optical Carrier levels that the competing carrier could use to provide telecommunications; (c) not limit the facilities to which dedicated interoffice transport facilities are connected, provided such interconnections are technically feasible, or restrict the use of unbundled transport facilities; and (d) to the extent technically feasible, provide requesting carriers with access to digital cross-connect system functionality in the same manner that the BOC offers such capabilities to interexchange carriers that purchase transport services. *Id.* at 20719.

171 *Id.* at 20719, n.650. The Commission also found that a BOC has the following obligations with respect to shared transport: (a) provide shared transport in a way that enables the traffic of requesting carriers to be carried on the same transport facilities that a BOC uses for its own traffic; (b) provide shared transport transmission facilities between end office switches, between its end office and tandem switches, and between tandem switches in its network; (c) permit requesting carriers that purchase unbundled shared transport and unbundled switching to use the same routing table that is resident in the BOC's switch; and (d) permit requesting carriers to use shared (or dedicated) transport as an unbundled element to carry originating access traffic from, and terminating traffic to, customers to whom the requesting carrier is also providing local exchange service. *Id.* at 20720, n.652.

172 47 U.S.C. § 271(c)(2)(B)(vi); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722. A switch connects end user lines to other end user lines, and connects end user lines to trunks used for transporting a call to another central office or to a long-distance carrier. Switches can also provide end users with "vertical features" such as call waiting, call forwarding, and caller ID, and can direct a call to a specific trunk, such as to a competing carrier's operator services.

173 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20722, para. 207.

basic switching function as well as the same basic capabilities that are available to the incumbent LEC's customers.[174] Additionally, local switching includes all vertical features that the switch is capable of providing, as well as any technically feasible customized routing functions.[175]

55. Moreover, in the *Second BellSouth Louisiana Order*, the Commission required BellSouth to permit competing carriers to purchase UNEs, including unbundled switching, in a manner that permits a competing carrier to offer, and bill for, exchange access and the termination of local traffic.[176] The Commission also stated that measuring daily customer usage for billing purposes requires essentially the same OSS functions for both competing carriers and incumbent LECs, and that a BOC must demonstrate that it is providing equivalent access to billing information.[177] Therefore, the ability of a BOC to provide billing information necessary for a competitive LEC to bill for exchange access and termination of local traffic is an aspect of unbundled local switching.[178] Thus, there is an overlap between the provision of unbundled local switching and the provision of the OSS billing function.[179]

56. To comply with the requirements of unbundled local switching, a BOC must also make available trunk ports on a shared basis and routing tables resident in the BOC's switch, as necessary to provide access to shared transport functionality.[180] In addition, a BOC may not limit the ability of competitors to use unbundled local switching to provide exchange access by requiring competing carriers to purchase a dedicated trunk from an interexchange carrier's point of presence to a dedicated trunk port on the local switch.[181]

G. Checklist Item 7 – 911/E911 Access and Directory Assistance/Operator Services

57. Section 271(c)(2)(B)(vii) of the Act requires a BOC to provide "[n]ondiscriminatory access to – (I) 911 and E911 services."[182] In the *Ameritech Michigan*

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174 *Id*.

175 *Id.* at 20722-23, para. 207.

176 *Id.* at 20723, para. 208.

177 *Id.* at 20723, para. 208 (citing *Ameritech Michigan Order*, 12 FCC Rcd at 20619, para. 140).

178 *Id.*

179 *Id.*

180 *Id.* at 20723, para. 209 (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20705, para. 306).

181 *Id.* (citing the *Ameritech Michigan Order*, 12 FCC Rcd at 20714-15, paras. 324-25).

182 47 U.S.C. § 271(c)(2)(B)(vii). 911 and E911 services transmit calls from end users to emergency personnel. It is critical that a BOC provide competing carriers with accurate and nondiscriminatory access to 911/E911 services so that these carriers' customers are able to reach emergency assistance. Customers use directory assistance and operator services to obtain customer listing information and other call completion services.

Order, the Commission found that "section 271 requires a BOC to provide competitors access to its 911 and E911 services in the same manner that a BOC obtains such access, *i.e.*, at parity."[183] Specifically, the Commission found that a BOC "must maintain the 911 database entries for competing LECs with the same accuracy and reliability that it maintains the database entries for its own customers."[184] For facilities-based carriers, the BOC must provide "unbundled access to [its] 911 database and 911 interconnection, including the provision of dedicated trunks from the requesting carrier's switching facilities to the 911 control office at parity with what [the BOC] provides to itself."[185] Section 271(c)(2)(B)(vii)(II) and section 271(c)(2)(B)(vii)(III) require a BOC to provide nondiscriminatory access to "directory assistance services to allow the other carrier's customers to obtain telephone numbers" and "operator call completion services," respectively.[186] Section 251(b)(3) of the Act imposes on each LEC "the duty to permit all [competing providers of telephone exchange service and telephone toll service] to have nondiscriminatory access to . . . operator services, directory assistance, and directory listing, with no unreasonable dialing delays."[187] The Commission concluded in the *Second BellSouth Louisiana Order* that a BOC must be in compliance with the regulations implementing section 251(b)(3) to satisfy the requirements of sections 271(c)(2)(B)(vii)(II) and 271(c)(2)(B)(vii)(III).[188] In the *Local Competition Second Report and Order*, the Commission

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183 *Ameritech Michigan Order*, 12 FCC Rcd at 20679, para. 256.

184 *Id.*

185 *Id.*

186 47 U.S.C. §§ 271(c)(2)(B)(vii)(II), (III).

187 *Id*. § 251(b)(3). The Commission implemented section 251(b)(3) in the *Local Competition Second Report and Order*. 47 C.F.R. § 51.217; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Second Report and Order and Memorandum Opinion and Order, 11 FCC Rcd 19392 (1996) (*Local Competition Second Report and Order*) *vacated in part sub nom. People of the State of California v. FCC*, 124 F.3d 934 (8th Cir. 1997), *overruled in part*, *AT&T Corp. v. Iowa Utils. Bd.*, 525 U.S. 366 (1999); *see also Implementation of the Telecommunications Act of 1996: Provision of Directory Listings Information under the Telecommunications Act of 1934*, Notice of Proposed Rulemaking, 14 FCC Rcd 15550 (1999) (*Directory Listings Information NPRM*).

188 While both sections 251(b)(3) and 271(c)(2)(B)(vii)(II) refer to nondiscriminatory access to "directory assistance," section 251(b)(3) refers to nondiscriminatory access to "operator services," while section 271(c)(2)(B)(vii)(III) refers to nondiscriminatory access to "operator call completion services." 47 U.S.C. §§ 251(b)(3), 271(c)(2)(B)(vii)(III). The term "operator call completion services" is not defined in the Act, nor has the Commission previously defined the term. However, for section 251(b)(3) purposes, the term "operator services" was defined as meaning "any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call." *Local Competition Second Report and Order*, 11 FCC Rcd at 19448, para. 110. In the same order the Commission concluded that busy line verification, emergency interrupt, and operator-assisted directory assistance are forms of "operator services," because they assist customers in arranging for the billing or completion (or both) of a telephone call. *Id.* at 19449, para. 111. All of these services may be needed or used to place a call. For example, if a customer tries to direct dial a telephone number and constantly receives a busy signal, the customer may contact the operator to attempt to complete the call. Since billing is a necessary part of call completion, and busy line verification, emergency interrupt, and operator-assisted directory assistance can all be used when an operator completes a call, the Commission concluded in the *Second BellSouth Louisiana Order* that (continued….)

held that the phrase "nondiscriminatory access to directory assistance and directory listings" means that "the customers of all telecommunications service providers should be able to access each LEC's directory assistance service and obtain a directory listing on a nondiscriminatory basis, notwithstanding: (1) the identity of a requesting customer's local telephone service provider; or (2) the identity of the telephone service provider for a customer whose directory listing is requested."[189] The Commission concluded that nondiscriminatory access to the dialing patterns of 4-1-1 and 5-5-5-1-2-1-2 to access directory assistance were technically feasible, and would continue.[190] The Commission specifically held that the phrase "nondiscriminatory access to operator services" means that "a telephone service customer, regardless of the identity of his or her local telephone service provider, must be able to connect to a local operator by dialing '0,' or '0 plus' the desired telephone number."[191]

58. Competing carriers may provide operator services and directory assistance by reselling the BOC's services, outsourcing service provision to a third-party provider, or using their own personnel and facilities. The Commission's rules require BOCs to permit competitive LECs wishing to resell the BOC's operator services and directory assistance to request the BOC to brand their calls.[192] Competing carriers wishing to provide operator services or directory assistance using their own or a third party provider's facilities and personnel must be able to obtain directory listings either by obtaining directory information on a "read only" or "per dip" basis from the BOC's directory assistance database, or by creating their own directory assistance

(Continued from previous page)

for checklist compliance purposes, "operator call completion services" is a subset of or equivalent to "operator service." *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20740, n.763. As a result, the Commission uses the nondiscriminatory standards established for operator services to determine whether nondiscriminatory access is provided.

189 47 C.F.R. § 51.217(c)(3); *Local Competition Second Report and Order*, 11 FCC Rcd at 19456-58, paras. 130-35. The *Local Competition Second Report and Order's* interpretation of section 251(b)(3) is limited "to access to each LEC's directory assistance service." *Id.* at 19456, para. 135. However, section 271(c)(2)(B)(vii) is not limited to the LEC's systems but requires "nondiscriminatory access to . . . directory assistance to allow the other carrier's customers to obtain telephone numbers." 47 U.S.C. § 271(c)(2)(B)(vii). Combined with the Commission's conclusion that "incumbent LECs must unbundle the facilities and functionalities providing operator services and directory assistance from resold services and other unbundled network elements to the extent technically feasible," *Local Competition First Report and Order*, 11 FCC Rcd at 15772-73, paras. 535-37, section 271(c)(2)(B)(vii)'s requirement should be understood to require the BOCs to provide nondiscriminatory access to the directory assistance service provider selected by the customer's local service provider, regardless of whether the competitor; provides such services itself; selects the BOC to provide such services; or chooses a third party to provide such services. *See Directory Listings Information NPRM*.

190 *Local Competition Second Report and Order*, 11 FCC Rcd at 19464, para. 151.

191 *Id*. at 19464, para. 151.

192 47 C.F.R. § 51.217(d); *Local Competition Second Report and Order*, 11 FCC Rcd at 19463, para. 148. For example, when customers call the operator or calls for directory assistance, they typically hear a message, such as "thank you for using XYZ Telephone Company." Competing carriers may use the BOC's brand, request the BOC to brand the call with the competitive carriers name or request that the BOC not brand the call at all. 47 C.F.R. § 51.217(d).

database by obtaining the subscriber listing information in the BOC's database.[193] Although the Commission originally concluded that BOCs must provide directory assistance and operator services on an unbundled basis pursuant to sections 251 and 252, the Commission removed directory assistance and operator services from the list of required UNEs in the *UNE Remand Order*.[194] Checklist item obligations that do not fall within a BOC's obligations under section 251(c)(3) are not subject to the requirements of sections 251 and 252 that rates be based on forward-looking economic costs.[195] Checklist item obligations that do not fall within a BOC's UNE obligations, however, still must be provided in accordance with sections 201(b) and 202(a), which require that rates and conditions be just and reasonable, and not unreasonably discriminatory.[196]

H. Checklist Item 8 – White Pages Directory Listings

59. Section 271(c)(2)(B)(viii) of the 1996 Act requires a BOC to provide "[w]hite pages directory listings for customers of the other carrier's telephone exchange service."[197] Section 251(b)(3) of the 1996 Act obligates all LECs to permit competitive providers of telephone exchange service and telephone toll service to have nondiscriminatory access to directory listing.[198]

60. In the *Second BellSouth Louisiana Order*, the Commission concluded that, "consistent with the Commission's interpretation of 'directory listing' as used in section 251(b)(3), the term 'white pages' in section 271(c)(2)(B)(viii) refers to the local alphabetical directory that includes the residential and business listings of the customers of the local exchange provider."[199] The Commission further concluded, "the term 'directory listing,' as used

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193 47 C.F.R. § 51.217(C)(3)(ii); *Local Competition Second Report and Order*, 11 FCC Rcd at 19460-61, paras. 141-44; *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, Third Report and Order, Second Order on Reconsideration, and Notice of Proposed Rulemaking, 14 FCC Rcd 15550, 15630-31, paras. 152-54 (1999); *Provision of Directory Listing Information Under the Communications Act of 1934, as amended*, First Report and Order, 16 FCC Rcd 2736, 2743-51 (2001).

194 *UNE Remand Order*, 15 FCC Rcd at 3891-92, paras. 441-42.

195 *UNE Remand Order*, 15 FCC Rcd at 3905, para. 470; *see generally* 47 U.S.C. §§ 251-52; *see also* 47 U.S.C. § 252(d)(1)(A)(i) (requiring UNE rates to be "based on the cost (determined without reference to a rate-of-return or other rate-based proceeding) of providing the … network element").

196 *UNE Remand Order*, 15 FCC Rcd at 3905-06, paras. 470-73; *see also* 47 U.S.C. §§ 201(b), 202(a).

197 47 U.S.C. § 271(c)(2)(B)(viii).

198 *Id*. § 251(b)(3).

199 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20748, para. 255.

in this section, includes, at a minimum, the subscriber's name, address, telephone number, or any combination thereof."[200] The Commission's *Second BellSouth Louisiana Order* also held that a BOC satisfies the requirements of checklist item 8 by demonstrating that it: (1) provided nondiscriminatory appearance and integration of white page directory listings to competitive LECs' customers; and (2) provided white page listings for competitors' customers with the same accuracy and reliability that it provides its own customers.[201]

I. Checklist Item 9 – Numbering Administration

61. Section 271(c)(2)(B)(ix) of the 1996 Act requires a BOC to provide "nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers," until "the date by which telecommunications numbering administration, guidelines, plan, or rules are established."[202] The checklist mandates compliance with "such guidelines, plan, or rules" after they have been established.[203] A BOC must demonstrate that it adheres to industry numbering administration guidelines and Commission rules.[204]

J. Checklist Item 10 – Databases and Associated Signaling

62. Section 271(c)(2)(B)(x) of the 1996 Act requires a BOC to provide "nondiscriminatory access to databases and associated signaling necessary for call routing and completion."[205] In the *Second BellSouth Louisiana Order*, the Commission required BellSouth to demonstrate that it provided requesting carriers with nondiscriminatory access to: "(1) signaling

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[200] *Id*. In the *Second BellSouth Louisiana Order*, the Commission stated that the definition of "directory listing" was synonymous with the definition of "subscriber list information." *Id.* at 20747 (citing the *Local Competition Second Report and Order*, 11 FCC Rcd at 19458-59). However, the Commission's decision in a later proceeding obviates this comparison, and supports the definition of directory listing delineated above. *See Implementation of the Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Third Report and Order; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Second Order on Reconsideration; *Provision of Directory Listing Information under the Telecommunications Act of 1934, As Amended*, CC Docket No. 99-273, FCC 99-227, Notice of Proposed Rulemaking, para. 160 (rel. Sept. 9, 1999).

[201] *Id.*

[202] 47 U.S.C. § 271(c)(2)(B)(ix).

[203] *Id.*

[204] *See Second Bell South Louisiana Order*, 13 FCC Rcd at 20752; *see also Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574 (2000); *Numbering Resource Optimization*, Second Report and Order, Order on Reconsideration in CC Docket No. 99-200 and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 96-98; 99-200 (rel. Dec. 29, 2000); *Numbering Resource Optimization*, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200 (rel. Dec. 28, 2001).

[205] 47 U.S.C. § 271(c)(2)(B)(x).

networks, including signaling links and signaling transfer points; (2) certain call-related databases necessary for call routing and completion, or in the alternative, a means of physical access to the signaling transfer point linked to the unbundled database; and (3) Service Management Systems (SMS)."[206] The Commission also required BellSouth to design, create, test, and deploy Advanced Intelligent Network (AIN) based services at the SMS through a Service Creation Environment (SCE).[207] In the *Local Competition First Report and Order*, the Commission defined call-related databases as databases, other than operations support systems, that are used in signaling networks for billing and collection or the transmission, routing, or other provision of telecommunications service.[208] At that time the Commission required incumbent LECs to provide unbundled access to their call-related databases, including but not limited to: the Line Information Database (LIDB), the Toll Free Calling database, the Local Number Portability database, and Advanced Intelligent Network databases.[209] In the *UNE Remand Order*, the Commission clarified that the definition of call-related databases "includes, but is not limited to, the calling name (CNAM) database, as well as the 911 and E911 databases."[210]

K. Checklist Item 11 – Number Portability

63. Section 271(c)(2)(B) of the 1996 Act requires a BOC to comply with the number portability regulations adopted by the Commission pursuant to section 251.[211] Section 251(b)(2) requires all LECs "to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."[212] The 1996 Act defines number portability as "the ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."[213] In order to prevent the cost of number portability from thwarting local competition, Congress enacted section 251(e)(2), which requires that "[t]he cost of establishing telecommunications numbering administration arrangements and number portability shall be borne by all telecommunications carriers on a

206 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20753, para. 267.

207 *Id.* at 20755-56, para. 272.

208 *Local Competition First Report and Order*, 11 FCC Rcd at 15741, n.1126; *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

209 *Id*. at 15741-42, para. 484.

210 *UNE Remand Order*, 15 FCC Rcd at 3875, para. 403.

211 47 U.S.C. § 271(c)(2)(B)(xii).

212 *Id.* at § 251(b)(2).

213 *Id.* at § 153(30).

competitively neutral basis as determined by the Commission."[214] Pursuant to these statutory provisions, the Commission requires LECs to offer interim number portability "to the extent technically feasible."[215] The Commission also requires LECs to gradually replace interim number portability with permanent number portability.[216] The Commission has established guidelines for states to follow in mandating a competitively neutral cost-recovery mechanism for interim number portability,[217] and created a competitively neural cost-recovery mechanism for long-term number portability.[218]

L. Checklist Item 12 – Local Dialing Parity

64. Section 271(c)(2)(B)(xii) requires a BOC to provide "[n]ondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3)."[219] Section 251(b)(3) imposes upon all LECs "[t]he duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service with no unreasonable dialing delays."[220] Section 153(15) of the Act defines "dialing parity" as follows:

> [A] person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in such a manner that

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214 *Id.* at § 251(e)(2); *see also Second BellSouth Louisiana Order*, 13 FCC Rcd at 20757, para. 274; *In the Matter of Telephone Number Portability*, Third Report and Order, 13 FCC Rcd 11701, 11702-04 (1998) (*Third Number Portability Order*); *In the Matter of Telephone Number Portability*, Fourth Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 16459, 16460, 16462-65, paras. 1, 6-9 (1999) (*Fourth Number Portability Order*).

215 *Fourth Number Portability Order*, 15 FCC Rcd at 16465, para. 10; *Telephone Number Portability*, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8409-12, paras. 110-16 (1996) (*First Number Portability Order*); *see also* 47 U.S.C. § 251(b)(2).

216 *See* 47 C.F.R. §§ 52.3(b)-(f); *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8355, 8399-8404, paras. 3, 91; *Third Number Portability Order*, 13 FCC Rcd at 11708-12, paras. 12-16.

217 *See* 47 C.F.R. § 52.29; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *First Number Portability Order*, 11 FCC Rcd at 8417-24, paras. 127-40.

218 *See* 47 C.F.R. §§ 52.32, 52.33; *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20758, para. 275; *Third Number Portability Order*, 13 FCC Rcd at 11706-07, para. 8; *Fourth Number Portability Order* at 16464-65, para. 9.

219 Based on the Commission's view that section 251(b)(3) does not limit the duty to provide dialing parity to any particular form of dialing parity (*i.e.*, international, interstate, intrastate, or local), the Commission adopted rules in August 1996 to implement broad guidelines and minimum nationwide standards for dialing parity. *Local Competition Second Report and Order*, 11 FCC Rcd at 19407; *Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers*, CC Docket No. 95-185, Further Order On Reconsideration, FCC 99-170 (rel. July 19, 1999).

220 47 U.S.C. § 251(b)(3).

> customers have the ability to route automatically, without the use of any access code, their telecommunications to the telecommunications services provider of the customer's designation.[221]

65. The rules implementing section 251(b)(3) provide that customers of competing carriers must be able to dial the same number of digits the BOC's customers dial to complete a local telephone call.[222] Moreover, customers of competing carriers must not otherwise suffer inferior quality service, such as unreasonable dialing delays, compared to the BOC's customers.[223]

M. Checklist Item 13 – Reciprocal Compensation

66. Section 271(c)(2)(B)(xiii) of the Act requires that a BOC enter into "[r]eciprocal compensation arrangements in accordance with the requirements of section 252(d)(2)."[224] In turn, pursuant to section 252(d)(2)(A), "a state commission shall not consider the terms and conditions for reciprocal compensation to be just and reasonable unless (i) such terms and conditions provide for the mutual and reciprocal recovery by each carrier of costs associated with the transport and termination on each carrier's network facilities of calls that originate on the network facilities of the other carrier; and (ii) such terms and conditions determine such costs on the basis of a reasonable approximation of the additional costs of terminating such calls."[225]

N. Checklist Item 14 – Resale

67. Section 271(c)(2)(B)(xiv) of the Act requires a BOC to make "telecommunications services . . . available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3)."[226] Section 251(c)(4)(A) requires incumbent LECs "to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers."[227] Section 252(d)(3) requires state commissions to "determine wholesale rates on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that will be avoided by the local exchange

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221 *Id.* § 153(15).

222 47 C.F.R §§ 51.205, 51.207.

223 *See* 47 C.F.R. § 51.207 (requiring same number of digits to be dialed); *Local Competition Second Report and Order*, 11 FCC Rcd at 19400, 19403.

224 47 U.S.C. § 271(c)(2)(B)(xiii).

225 *Id*. § 252(d)(2)(A).

226 *Id*. § 271(c)(2)(B)(xiv).

227 *Id*. § 251(c)(4)(A).

carrier."[228] Section 251(c)(4)(B) prohibits "unreasonable or discriminatory conditions or limitations" on service resold under section 251(c)(4)(A).[229] Consequently, the Commission concluded in the *Local Competition First Report and Order* that resale restrictions are presumed to be unreasonable unless the LEC proves to the state commission that the restriction is reasonable and nondiscriminatory.[230] If an incumbent LEC makes a service available only to a specific category of retail subscribers, however, a state commission may prohibit a carrier that obtains the service pursuant to section 251(c)(4)(A) from offering the service to a different category of subscribers.[231] If a state creates such a limitation, it must do so consistent with requirements established by the Federal Communications Commission.[232] In accordance with sections 271(c)(2)(B)(ii) and 271(c)(2)(B)(xiv), a BOC must also demonstrate that it provides nondiscriminatory access to operations support systems for the resale of its retail telecommunications services.[233] The obligations of section 251(c)(4) apply to the retail telecommunications services offered by a BOC's advanced services affiliate.[234]

V. COMPLIANCE WITH SEPARATE AFFILIATE REQUIREMENTS – SECTION 272

68. Section 271(d)(3)(B) requires that the Commission shall not approve a BOC's application to provide interLATA services unless the BOC demonstrates that the "requested authorization will be carried out in accordance with the requirements of section 272."[235] The Commission set standards for compliance with section 272 in the *Accounting Safeguards Order* and the *Non-Accounting Safeguards Order*.[236] Together, these safeguards discourage and

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228 *Id*. § 252(d)(3).

229 *Id*. § 251(c)(4)(B).

230 *Local Competition First Report and Order*, 11 FCC Rcd at 15966, para. 939; 47 C.F.R. § 51.613(b). The Eighth Circuit acknowledged the Commission's authority to promulgate such rules, and specifically upheld the sections of the Commission's rules concerning resale of promotions and discounts in *Iowa Utilities Board*. *Iowa Utils. Bd. v. FCC*, 120 F.3d at 818-19, *aff'd in part and remanded on other grounds*, *AT&T v. Iowa Utils. Bd.*, 525 U.S. 366 (1999). *See also* 47 C.F.R. §§ 51.613-51.617.

231 47 U.S.C. § 251(c)(4)(B).

232 *Id.*

233 *See, e.g.*, *Bell Atlantic New York Order*, 15 FCC Rcd at 4046-48, paras. 178-81 (Bell Atlantic provides nondiscriminatory access to its OSS ordering functions for resale services and therefore provides efficient competitors a meaningful opportunity to compete).

234 *See Verizon Connecticut Order*, 16 FCC Rcd 14147, 14160-63, paras. 27-33 (2001); *Association of Communications Enterprises v. FCC*, 235 F.3d 662 (D.C. Cir. 2001).

235 47 U.S.C. § 271(d)(3)(B).

236 *See Implementation of the Accounting Safeguards Under the Telecommunications Act of 1996*, CC Docket No. 96-150, Report and Order, 11 FCC Rcd 17539 (1996) (*Accounting Safeguards Order*), Second Order On Reconsideration, FCC 00-9 (rel. Jan. 18, 2000); *Implementation of the Non-Accounting Safeguards of Sections 271* (continued….)

facilitate the detection of improper cost allocation and cross-subsidization between the BOC and its section 272 affiliate.[237] In addition, these safeguards ensure that BOCs do not discriminate in favor of their section 272 affiliates.[238]

69. As the Commission stated in the *Ameritech Michigan Order*, compliance with section 272 is "of crucial importance" because the structural, transactional, and nondiscrimination safeguards of section 272 seek to ensure that BOCs compete on a level playing field.[239] The Commission's findings regarding section 272 compliance constitute independent grounds for denying an application.[240] Past and present behavior of the BOC applicant provides "the best indicator of whether [the applicant] will carry out the requested authorization in compliance with section 272."[241]

VI. COMPLIANCE WITH THE PUBLIC INTEREST – SECTION 271(D)(3)(C)

70. In addition to determining whether a BOC satisfies the competitive checklist and will comply with section 272, Congress directed the Commission to assess whether the requested authorization would be consistent with the public interest, convenience, and necessity.[242] Compliance with the competitive checklist is itself a strong indicator that long distance entry is consistent with the public interest. This approach reflects the Commission's many years of experience with the consumer benefits that flow from competition in telecommunications markets.

71. Nonetheless, the public interest analysis is an independent element of the statutory checklist and, under normal canons of statutory construction, requires an independent

(Continued from previous page)
and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996) (*Non-Accounting Safeguards Order*), *petition for review pending sub nom. SBC Communications v. FCC*, No. 97-1118 (filed D.C. Cir. Mar. 6, 1997) (held in abeyance May 7, 1997), First Order on Reconsideration, 12 FCC Rcd 2297 (1997) (*First Order on Reconsideration*), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997) (*Second Order on Reconsideration*), *aff'd sub nom. Bell Atlantic Telephone Companies v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997), Third Order on Reconsideration, FCC 99-242 (rel. Oct. 4, 1999) (*Third Order on Reconsideration*).

237 *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914; *Accounting Safeguards Order*, 11 FCC Rcd at 17550; *Ameritech Michigan Order*, 12 FCC Rcd at 20725.

238 *Non-Accounting Safeguards Order*, 11 FCC Rcd at 21914, paras. 15-16; *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346.

239 *Ameritech Michigan Order*, 12 FCC Rcd at 20725, para. 346; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

240 *Second BellSouth Louisiana Order*, 13 FCC Rcd at 20785-86, para. 322; *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

241 *Bell Atlantic New York Order*, 15 FCC Rcd at 4153, para. 402.

242 47 U.S.C. § 271(d)(3)(C).

determination.[243] Thus, the Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that entry will therefore serve the public interest as Congress expected. Among other things, the Commission may review the local and long distance markets to ensure that there are not unusual circumstances that would make entry contrary to the public interest under the particular circumstances of the application at issue.[244] Another factor that could be relevant to the analysis is whether the Commission has sufficient assurance that markets will remain open after grant of the application. While no one factor is dispositive in this analysis, the overriding goal is to ensure that nothing undermines the conclusion, based on the Commission's analysis of checklist compliance, that markets are open to competition.

[243] In addition, Congress specifically rejected an amendment that would have stipulated that full implementation of the checklist necessarily satisfies the public interest criterion. *See Ameritech Michigan Order*, 12 FCC Rcd at 20747 at para. 360-66; *see also* 141 Cong. Rec. S7971, S8043 (June. 8, 1995).

[244] *See Second BellSouth Louisiana Order*, 13 FCC Rcd at 20805-06, para. 360 (the public interest analysis may include consideration of "whether approval . . . will foster competition in all relevant telecommunications markets").

SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
CONCURRING

Re: *Application by Qwest Communications International, Inc. for Authorization to Provide In-Region, InterLATA Services in New Mexico, Oregon and South Dakota*

I commend the New Mexico Public Regulation Commission, Oregon Public Utility Commission and South Dakota Public Utilities Commission for the steps they have taken to open the New Mexico, Oregon and South Dakota local markets to competition. Qwest also has made laudable progress in opening its markets to competition in these states.

Two issues in this proceeding lead me to concur today. First, I am troubled by the majority's conclusion that Qwest meets the statute's Track A requirement on the basis of wireless competition in New Mexico. This situation is analogous to the one faced by the Commission just yesterday in the Nevada section 271 Order. Based on limited survey evidence, the majority again finds that a particular wireless carrier's service is a commercial alternative to wireline service. It strikes me as premature to decide on the present record that wireline and wireless services are more than complementary. I concur, however, because I believe it would be unjust to penalize Qwest for complying with Commission precedent when it filed its application.

Second, I concur for the same reasons laid out in my statements to the Orders granting section 271 applications for New Hampshire, Delaware, Virginia, Maryland, Washington, D.C. and West Virginia. As in those Orders, the present item concludes that the statute permits Bell companies in all instances to demonstrate compliance with the checklist by aggregating the rates for non-loop elements. I disagree with this analysis. I believe the better reading of the statute is that the rate for each network element must comport with Congress' pricing directive. As it turns out, an analysis of Qwest's switching and transport elements demonstrates that they would independently satisfy a benchmark test. I am disappointed that the majority's decision only reflects this fact in a footnote. A review of Qwest pricing that fully complies with the statute would feature this fact more prominently than the majority's analysis based on aggregation of non-loop elements. I commend Qwest, however, for its efforts to comply with the true letter of the statute when filing its application with this Commission.

STATEMENT OF COMMISSIONER KEVIN J. MARTIN
Approving in Part, Concurring in Part

Re: Application by Qwest Communications International, Inc. for Authorization To Provide In-Region, InterLATA Services in New Mexico, Oregon and South Dakota (WC Docket No. 03-11)

Today we grant Qwest authority to provide in-region, interLATA service originating in the States of New Mexico, Oregon, and South Dakota. I commend the New Mexico Public Regulation Commission, the Public Utility Commission of Oregon, and the South Dakota Public Utilities Commission for their hard work.

The Commission approves Qwest's application in New Mexico based on the Commission's precedent in the *BellSouth Second Louisiana Order*[1] Under that decision, a BOC can satisfy its market-opening requirements by showing that consumers are using broadband PCS as a substitute for wireline telephone service. This showing can be demonstrated in the form of: (i) surveys identifying customers that had used broadband PCS in lieu of wireline service; and (ii) evidence of marketing efforts by broadband PCS providers designed to induce replacement of wireline service with broadband PCS service.

I have some trepidation with the Commission's decision and our precedent in the *BellSouth Second Louisiana Order.*[2] First, I would prefer a more comprehensive study that does not require multiple attempts to determine whether consumers actually use wireless service at home as a substitute for wireline service. Moreover, our finding of Track A compliance relies solely on the presence of just one PCS provider. Given that this provider has just filed for Chapter 11 bankruptcy protection, I have some concerns with the long-term health of competition in New Mexico. At this point, however, no evidence exists indicating that the PCS provider has stopped offering or providing service in the state.

I must concur, however, with the decision to determine checklist compliance of UNE TELRIC rates based on a benchmark analysis of aggregated non-loop rate elements. As I have stated in the past, Section 252(d)1 sets forth the pricing standard used for

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[1] See *Application by BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as Amended, To Provide In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, Memorandum Opinion and Order, 13 FCC Rcd 20599, 20633-35 (1998)(*BellSouth Second Louisiana Order).*

[2] See *Statement of Commissioner Kevin J. Martin, Application by SBC Communications, Inc. for Authorization Under Section 271 of the Communications Act to Provide-In-Region, InterLATA Service in the State of Nevada, (April 14, 2003).*

determining compliance in Section 271 applications.[3] I continue to believe that this standard requires that we examine UNE rates by each individual "network element."

[3] *See e.g., Statement of Commissioner Kevin J. Martin, Approving in Part and Concurring in Part, Application by Verizon Maryland Inc., Verizon Washington, D.C. Inc., Verizon West Virginia Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance) NYNEX Long Distance Company (d/b/a) Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Maryland, Washington, D.C. and West Virginia (WC Docket No. 02-384).*

SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN

Re: Application by Qwest Communications International Inc. for Authorization To Provide In-Region, InterLATA Services in New Mexico, Oregon and South Dakota

Today we grant Qwest the authority to provide in-region, interLATA service originating in New Mexico, Oregon and South Dakota. I approve this Order and commend the New Mexico Public Regulation Commission, Oregon Public Utility Commission and the South Dakota Public Utilities Commission for their hard work. I would also like to commend the Wireline Competition Bureau for all of its efforts.

It is great that consumers in these states, including my home state of South Dakota, will have greater choices among long distance providers. They can also benefit from new calling plans, packages and lower rates. Since the advent of competition in the long distance market we have seen rates decline and new and creative packaging of services. I hope to see comparable results in these states for which we are granting Section 271 authority.

As with SBC in the Nevada 271 Order, we grant section 271 relief to Qwest Communications, Inc., to provide long distance services in New Mexico based on our finding that Qwest has satisfied "Track A" of Section 271. Although I approve the grant of Section 271 authority to Qwest in New Mexico, I have the same concerns here that I did in the SBC Nevada Order.

Track A requires that one or more competing providers collectively serve business and residential subscribers using their own telephone exchange service facilities. I am somewhat concerned about relying on the existence of broadband PCS competition in demonstrating the presence of competition under Track A. However, our precedent, in the *BellSouth Second Louisiana Order,* clearly states that broadband PCS satisfies the definition of a telephone exchange service for purposes of Section 271(c)(1)(A). And the Commission specifically found that the most persuasive evidence of competition between PCS and wireline local telephony is evidence that customers are actually subscribing to PCS in lieu of wireline service. Qwest has established such a connection in this proceeding.

To disrupt this precedent and find that Qwest has not satisfied the Track A analysis with the presence of wireline PCS competition would be to effectively create a "Catch 22" for the company. Under Commission precedent, the company would not be able to satisfy Track B, either. The Commission in the *BellSouth South Carolina Order* found that Track B may only be satisfied if a State Commission certifies that "the only provider or providers making such a request have (i) failed to negotiate in good faith as required by section 252, or (ii) violated the terms of an agreement approved under Section 252 by the provider's failure to comply, within a reasonable period of time, with the implementation schedule contained in such agreement." The State Commission has not so certified.

Simply stated, this Commission has clearly established precedent under both Track A and Track B. The RBOCs have relied on that precedent in filing for their Section 271 approval. In this particular case, if we were to overturn the Track A precedent and determine that Qwest must use Track B, we would be holding Qwest hostage to the business plans of its competitors.

Such a result would penalize the consumers in New Mexico. Our decisions are meant to ensure that consumers have access to telecommunications services at reasonable rates. Our section 271 analysis is ultimately about bringing choice to consumers. If we were to eschew our Track A analysis precedent, the citizens of New Mexico might not have the opportunity for greater choice among long distance providers for a very long time. This means they might not have access to lower rates, new calling plans or packages to which many others now have access. On this basis, given that possibility, I support relying on the existence of broadband PCS service to demonstrate the Track A compliance, consistent with the Commission's precedent.